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Chairman: Mr. Hachani ..... (Tunisia)

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The meeting was called to order at 3.25 p.m.

Agenda item 104: Implementation of the outcome of the Fourth World Conference on Women (*continued*) (A/C.3/53/L.27)

Draft resolution A/C.3/53/L.27: Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and the Platform for Action

1. **Ms. Sandru** (Romania), introducing draft resolution A/C.3/53/L.27, pointed out that in operative paragraph 44, the word "forty-second" should be replaced by "forty-third".

2. The preamble stressed the importance of the Beijing Declaration and the Platform for Action to the advancement of women and gender equality.

3. The operative part gave particular emphasis to the need to mainstream a gender perspective at all levels and to make available sufficient human and financial resources for the advancement of women. Emphasis was also placed on the decision of the General Assembly to hold a special session in the year 2000 ("Women 2000: gender equality, development and peace for the twenty-first century") which would monitor progress achieved in the implementation of the Nairobi Forward-Looking Strategies for the Advancement of Women as well as the Beijing Declaration and the Platform for Action. The draft resolution invited the Commission on the Status of Women to act as the preparatory committee, open to the participation of all States Members of the United Nations, members of the specialized agencies and observers. It also provided detailed guidance on measures to be taken to involve non-governmental organizations in the preparatory process, since they played a significant role in the implementation of the Platform for Action.

Agenda item 105: Report of the United Nations High Commissioner for Refugees: questions relating to refugees and displaced persons and humanitarian questions (*continued*) (A/C.3/53/L.30 and L.31)

Draft resolution A/C.3/53/L.30: Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

4. **The Chairman** invited the Committee to consider draft resolution A/C.3/53/L.30, which had no programme budget implications.

5. **Mrs. Cossa** (Mozambique) said that a correction should be made to the English text: in the third preambular paragraph, the word "welcomes" should be replace by "welcoming".

6. *Draft resolution A/C.3/53/L.30 was adopted.*

Draft resolution A/C.3/53/L.31: Assistance to unaccompanied refugee minors

7. **The Chairman** invited the Committee to consider draft resolution A/C.3/53/L.31, which had no programme budget implications. After recalling that Côte d'Ivoire, Ethiopia, Guinea-Bissau, the Islamic Republic of Iran, Niger, Nigeria and Turkey had joined the sponsors of the draft resolution when it had been introduced, he announced that Cameroon, Guinea, Liberia, Malawi, Sierra Leone and the United Republic of Tanzania, also wished to become sponsors of the draft resolution.

8. *Draft resolution A/C.3/53/L.31 was adopted.*

Agenda item 108: Elimination of racism and racial discrimination (*continued*) (A/C.3/53/L.18/Rev.1 and A/C.3/53/L.56)

Draft resolution A/C.3/53/L.18/Rev.1: International Convention on the Elimination of All Forms of Racial Discrimination

9. **The Chairman** invited the Committee to consider draft resolution A/C.3/53/L.18/Rev.1. After informing the Committee that the programme budget implications of the draft resolution were set out in document A/C.3/53/L.56, he recalled that Antigua and Barbuda, Côte d'Ivoire, Equatorial Guinea, Liberia, Mongolia, New Zealand, Pakistan and the Republic of Moldova had become sponsors of the draft resolution when it had been introduced.

10. **Ms. Stiglic** (Slovenia) announced that Ireland wished to become a sponsor of the draft resolution and that, in the interests of consensus, the following corrections, which were the result of in-depth discussions, should be made to the text. In paragraph 5, the words "international instruments on human rights, *inter alia*, by continuing" should be replaced by the phrase "the International Convention on the Elimination of All Forms of Racial Discrimination and takes note of its continuing efforts". In the same paragraph, the end of the sentence, "which include the process of reviewing the implementation of the Convention in States whose reports are seriously overdue" should be deleted. The sponsors hoped that the text, as revised, could be adopted without a vote.

11. **The Chairman** announced that Cameroon and Mali wished to become sponsors of the draft resolution.

12. **Mrs. Mekhemar** (Egypt) said that her delegation would join the consensus on the draft resolution. It supported the efforts of the Committee for the Elimination of Racial Discrimination to ensure the implementation of the Convention and reaffirmed that all States should cooperate to that end by establishing a fruitful dialogue. The implementation of the Convention should not, however, mean that country reports should be examined in the absence of the countries concerned; the Committee was not competent to do so, and any change in its mandate must be accepted by the meeting of States Parties.

13. **Ms. Mesdoua** (Algeria) said that her country had ratified the International Convention on the Elimination of All Forms of Racial Discrimination and had agreed to recognize the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from groups or individuals citing violations of human rights set out in that Convention. Her delegation had always supported the efforts of the Committee to ensure the effective implementation of the Convention. However, she pointed out that the international treaty monitoring bodies should encourage dialogue and cooperation with the States Parties and should in no case adopt a counterproductive attitude which would be detrimental to the promotion and protection of human rights. Consequently, the improvement of the Committee's working methods did not mean that country reports could be considered in the absence of the countries concerned. There was no provision for that type of consideration in the Committee's mandate, and any change in its mandate would need to be approved by a meeting of the States Parties.

14. *Draft resolution A/C.3/53/L.18/Rev.1 was adopted.*

15. **Mr. Arda** (Turkey) pointed out that the International Convention on the Elimination of All Forms of Racial Discrimination did not adequately address contemporary forms of racial discrimination, racism, xenophobia and other forms of intolerance. That was why his country had not become a Party to it. However, with 3 million Turkish citizens residing abroad where they were subject to racially motivated violence, Turkey had followed the work of the Committee on the Elimination of Racial Discrimination with interest and welcomed the efforts it was making to improve its working methods, including during the presentation of periodic reports.

16. His delegation could not join the consensus on the draft resolution since paragraphs 332 and 339 of the report of the Committee could not have been drafted by experts with "acknowledged impartiality", as stipulated in article 8 of the Convention. The language adopted was used by only one of the parties in the dispute over Cyprus. The Committee's mandate was to monitor the implementation of the Convention in a responsible and impartial manner, without taking sides.

17. **Ms. Clifford** (United States of America) said that her country had joined the consensus on the draft resolution with the hope that the programme budget implications, as set out in document A/C.3/53/L.56, would be absorbed within the General Fund or through extrabudgetary resources. Regarding reservations to international conventions, her delegation continued to favour the language used in previous years in resolutions of the Commission on Human Rights or the Vienna Declaration and Programme of Action, which allowed for reservations, provided they were not incompatible with the object and purpose of the Convention.

18. **Ms. Martinez** (Ecuador) noted that her country had been one of the first to accede to the Convention and each year her delegation had co-sponsored the draft resolution relating to that instrument. That year, however, it had had doubts about joining the consensus for two reasons. First, for three years the Committee had been saying that there should be an easier way for countries having no permanent mission at Geneva to present their periodic reports on the implementation of the Convention, perhaps by holding one session in New York. Yet, all of a sudden, it appeared that that issue was to be discussed by other bodies. Secondly, the High Commissioner for Human Rights had recently stated that it was important to organize a world conference to combat racism and had requested States to provide the human and financial resources necessary for such a conference. Now delegations were being told that there were not enough resources for the preparation of such a conference.

19. Her delegation therefore hoped that a solution acceptable to all parties would be found by the year 2000.

20. **The Chairman** announced that the Committee had concluded discussion of agenda item 108.

Agenda item 109: Right of peoples to self-determination (*continued*) (A/C.3/53/L.26)

Draft resolution A/C.3/53/L.26: The right of the Palestinian people to self-determination

21. **The Chairman**, after informing the Committee that the draft resolution had no programme budget implications, recalled that Liechtenstein, Suriname and the United Republic of Tanzania had joined the sponsors.

22. **Ms. Mekhemar** (Egypt) announced that Burkina Faso, Guinea-Bissau, Hungary, Malta, Mozambique and Niger were also sponsoring the draft resolution.

23. **Mr. Shapiro** (United States of America), speaking in explanation of vote before the vote, said that his delegation opposed the resolution because it injected the United Nations into the Middle East peace process, in particular the final status issue which must be the subject of direct negotiation among the parties to the conflict. The United States also opposed the draft resolution because the latter singled out one group of people for self-determination. The adoption of such a resolution, rather than reinvigorating the peace process, was likely to have the opposite effect. The United States would therefore vote against the draft resolution.

24. **Mr. Gold** (Israel) said that his delegation would vote against the draft resolution which at best, ignored and, at worst, threatened the positive developments on the ground. That did not in any way mean that Israel did not understand the desire of a people to achieve self-determination. The State of Israel — and the autonomy which the Palestinians currently enjoyed — were proof of that fact.

25. The issue in question should not be discussed in the Third Committee but rather at the negotiating table. Direct negotiations had been the key to every diplomatic breakthrough in the Middle East, from the Camp David Accords with Egypt to the peace treaty with Jordan, the Madrid Peace Conference, the Oslo Accords and the Wye River Memorandum.

26. Moreover, adoption of the draft resolution would undermine the commitments to direct negotiations made by the Israelis and the Palestinians at Oslo, Hebron and Wye.

27. Finally, the draft resolution was irrelevant, since 98 per cent of Palestinians living in the territories were under the jurisdiction of the Palestinian Authority.

28. The draft resolution spoke of the right to self-determination, "without excluding the option of a state"; it was important to distinguish between self-determination and the creation of a State. The establishment of an independent State was a security question affecting both peoples and they alone must make such a decision. Sovereignty for one must not threaten the life of the other. A lasting peace must strike a balance between Palestinian self-government and Israeli security. Using the Committee to influence the peace process threatened the right of both peoples to decide their future together.

29. *A recorded vote was taken on draft resolution A/C.3/53/L.26.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

Fiji, Georgia, Kenya, Marshall Islands, Micronesia (Federated States of), Nicaragua, Uruguay.

30. The draft resolution was adopted by 146 votes to 2, with 7 abstentions.

31. **Mr. Al-Hariri** (Syrian Arab Republic) welcomed the adoption of the draft resolution, which showed the international community's desire to put an end to the suffering of the Palestinian people and to give it the freedom to decide its destiny on its own national territory. His Government supported the just struggle of the Palestinian

people and hoped that the negotiations begun at the Madrid Conference would lead to a fair and final solution based on the principle of "land for peace" and the resolutions of the Security Council.

32. Israel must take responsibility for the obstacles hindering the peace process and withdraw from the occupied Arab territories, in accordance with the agreements concluded and the commitments undertaken.

33. **Mr. Sepelev** (Russian Federation) said that his delegation had voted for the draft resolution and desired the creation of an independent Palestinian State; political negotiations, leading to the creation of such a State, were the only way to make the Palestinian people's right to self-determination a reality and safeguard Israel's legitimate security interests.

34. **Ms. Campestrini** (Austria), speaking on behalf of the European Union, welcomed the signing, on 23 October, of the Wye River Memorandum between Mr. Netanyahu and Mr. Yasser Arafat; it opened the door for the early resumption of negotiations on permanent status, in accordance with the Oslo Accords, as well as the implementation of commitments made under the Interim Agreement.

35. The European Union was one of the sponsors of the draft resolution and it called on the parties to complete negotiations on the final status as soon as possible, and to avoid any unilateral act which might prejudice the final outcome.

36. **Mr. Al-Kidwa** (Observer for Palestine) welcomed the adoption of draft resolution A/C.3/53/L.26, an important document since it was linked to the principle of self-determination and the absolute right of the Palestinian people to act on that principle, and had received broad support. The main goal of the Palestinian people was to establish their own independent State and the draft resolution was an important step towards that end. It was unfortunate that the United States had once again opposed the resolution and he hoped that its position would change in the future.

37. The real problem remained the Israeli attitude in that regard. His delegation was convinced that Israel, by opposing the right of the Palestinian people to self-determination, was violating the crux of the agreements, namely the mutual recognition by the two sides. It was impossible to recognize the existence of the Palestinians and their legitimate rights while refusing to accept their right to self-determination.

38. Israeli policies were seriously threatening the foundations of the peace process; the latter was not a vehicle for Israel to continue the subjugation of the Palestinian people and the occupation of their territory, but was rather a vehicle for the achievement of real peace and coexistence based on equality and respect for the right to self-determination. That right did not stem from any agreement; it was a natural, inalienable right and was in accordance with the Charter of the United Nations and many other instruments; the adoption of the draft resolution had made that clear.

39. **The Chairman** announced that the Committee had concluded its discussion of agenda item 109.

Agenda item 110: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/53/L.32, L.35, L.36, L.37, L.40, L.41, L.42, L.44 and L.48)

Draft resolution A/C.3/53/L.32: Elimination of all forms of religious intolerance

40. **Mr. Ryan** (Ireland) introduced draft resolution A/C.3/53/L.32, and announced that Cameroon and Japan had joined the sponsors.

41. Recalling article 18 of the Universal Declaration of Human Rights and the provisions of the International Covenant on Civil and Political Rights, he pointed out that although progress had been made over the past few decades, religious intolerance continued, as the Special Rapporteur on religious intolerance had pointed out in his report (A/53/279). Members of minority religions were sometimes subjected to systematic persecution, including torture or summary execution. In many regions of the world, practice fell well short of the standards set by the international community, as demonstrated by the situation of vulnerable groups such as the Baha'i community, and the violence and massacres occurring in Afghanistan. It was intolerable that religious considerations should be advanced to justify the violation of women's rights in that country. Given the importance of his work, Governments must authorize the Special Rapporteur to make visits to the field and cooperate fully with him during such visits.

42. Non-governmental organizations played a key role in promoting tolerance and making the international community aware of intolerance and discrimination, and they, too, must also be encouraged to continue their work.

43. He hoped that the draft resolution would be adopted by consensus.

Draft resolution A/C.3/53/L.35: Strengthening of the rule of law

44. **Ms. Nicodemos** (Brazil) introduced draft resolution A/C.3/53/L.35, and said that Guinea-Bissau and Senegal had become sponsors of the draft resolution.

45. The draft resolution updated General Assembly resolution 52/125 and sought to provide guidance to the High Commissioner for Human Rights on how to proceed with a view to implementing the recommendations contained in paragraph 69 of section II of the Vienna Declaration and Programme of Action. The World Conference on Human Rights had recommended that the United Nations should assist States in building national structures for the promotion of human rights and the maintenance of the rule of law.

46. The draft resolution also sought to provide a coherent response to the problem of the scarcity of means at the disposal of the High Commissioner for Human Rights. Based on the report of the Secretary-General (A/53/309), the sponsors had made suggestions on how the United Nations could support the growing number of Member States requesting assistance within the framework of the programme for the strengthening of the rule of law.

47. By making the resolution biennial, the sponsors sought to contribute to the rationalization of the Committee's work; she expressed the hope that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/53/L.36: Respect for the right to universal freedom of travel and the vital importance of family reunification

48. **Ms. de Armas Garcia** (Cuba), introduced draft resolution A/C.3/53/L.36 saying that it was identical to the one adopted by the General Assembly at its fifty-second session.

49. The issue of migratory flows was at the heart of the international community's concerns since there were 130 million persons who were living in a country which was not their own. At the national and international levels, the rights of migrants must be promoted and protected, including the right to the reunification of families, since the family was the basic unit of human society.

50. The draft resolution called on States to guarantee freedom of travel to all foreign nationals legally residing in their territory, as well as the right of such individuals to send funds to their relatives in their country of origin. It also called on States to put an end to discriminatory practices aimed at groups of foreign nationals.

51. **Mr. Sepelev** (Russian Federation) pointed out that in the Russian text, the title of the t resolution was missing; that omission must be corrected.

Draft resolution A/C.3/53/L.37: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

52. **Mr. Wille** (Norway) introduced draft resolution A/C.3/53/L.37, noting that Armenia, Colombia, Costa Rica, the Russian Federation and Uruguay had become sponsors.

53. The draft resolution had been approved without a vote by the Commission on Human Rights at its previous session. In resolution 1998/33, the Economic and Social Council had recommended that the General Assembly should adopt the draft resolution. The draft declaration was a result of the work and determination of governments and non-governmental organizations which hoped that the text would be adopted during the year marking the fiftieth anniversary of the Universal Declaration of Human Rights.

54. **Ms. Al-Hamami** (Yemen) pointed out that in the Arabic text there was some confusion between the words declaration and resolution.

55. **Ms. Simonovic** (Croatia) said that her delegation wished to add its name to the list of sponsors.

56. **The Chairman** announced that France, Iceland and the Republic of Moldova had joined the sponsors.

Draft resolution A/C.3/53/L.40: Human rights and extreme poverty

57. **Mr. Matute** (Peru) introduced draft resolution A/C.3/53/L.40, saying that Belgium, Guinea-Bissau, Italy, Japan and Portugal had become sponsors. It was recognized that extreme poverty hindered full enjoyment of human rights and that economic, social, political and cultural rights were universal and inseparable. Extreme poverty could be defined as the absence of security and it prevented the individual from exercising his fundamental rights and from assuming his responsibilities. The 1998 Human Development Report clearly indicated that in most countries of the world, extreme poverty was strikingly obvious and made human rights unobtainable for many people. The international community must therefore reaffirm its desire to reduce extreme poverty in order to allow all to enjoy their basic rights. He hoped that the draft resolution would be adopted without a vote.

58. **The Chairman** announced that Benin, Bhutan, Burkina Faso, Burundi, Cameroon, China, Cyprus, Ethiopia,

Guinea, Japan, Mali, Nepal, Pakistan, Sierra Leone and Ukraine were joining the sponsors.

Draft resolution A/C.3/53/L.41: Extrajudicial, summary or arbitrary executions

59. **Mr. Schalin** (Finland), introducing draft resolution A/C.3/53/L.41, said that Ukraine had become a sponsor. He stressed, in particular, the obligation imposed on all Governments to take steps to put an end to extrajudicial, summary or arbitrary executions, which were a violation of the most basic right of all, the right to life. His delegation hoped that the draft resolution would be adopted by consensus.

60. **The Chairman** said that Croatia, Monaco and Panama had become sponsors of the draft.

61. **Ms. Kaba Camara** (Côte d'Ivoire) said that the French text of the draft resolution had been issued without a title.

Draft resolution A/C.3/53/L.42: Regional arrangements for the promotion and protection of human rights

62. **Ms. Newell** (Secretary of the Committee) stated with regret that Belgium, the main sponsor of the draft resolution, had unfortunately been omitted from the list of sponsors.

63. **Ms. Petridis** (Belgium), introducing draft resolution A/C.3/53/L.42, said that Cameroon, the former Yugoslav Republic of Macedonia, the Philippines and Senegal had become sponsors. She expressed particular appreciation to the Group of African States and the Bureau of the Organization of African Unity for their interest in and contribution to the draft resolution. In paragraph 10 of the English version, after the words "in this context that", the following words had been omitted: "the Annual Intergovernmental Workshop for the Asian and Pacific Region". The draft resolution was aimed at ensuring the mutual strengthening of regional and global activities for the promotion and protection of human rights. The preamble recalled the philosophy underlying the formulation of regional arrangements. The operative paragraphs underscored the cooperation and assistance provided by the Office of the United Nations High Commissioner for Human Rights for the strengthening of such arrangements. The sponsors hoped that, as in previous years, the draft resolution would be adopted by consensus.

64. **The Chairman** said that Guinea-Bissau, Lesotho, Liberia, Mali, Mongolia, Morocco, Mozambique, Panama and the United Republic of Tanzania had become sponsors of the draft.

Draft resolution A/C.3/53/L.44: Strengthening of United Nations actions in the human rights field through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

65. **Mr. Reyes** (Cuba), introducing draft resolution A/C.3/53/L.44, said that the Niger and the Sudan had become sponsors. The text reaffirmed ideas contained in previous resolutions which the General Assembly had adopted by consensus, such as the principles of the equality of rights of all peoples and their right to self-determination. His delegation hoped that the draft resolution would be adopted by consensus.

Draft resolution A/C.3/53/L.48: Follow-up to the United Nations Year for Tolerance

66. **Mr. Arda** (Turkey), introducing draft resolution A/C.3/53/L.48, said that Chile, India and the former Yugoslav Republic of Macedonia had become sponsors. Referring to the information provided by UNESCO on the implementation of the Declaration of Principles on Tolerance and the Follow-up Plan of Action for the United Nations Year for Tolerance, he emphasized that UNESCO should continue as the lead agency in the promotion of tolerance and non-violence. Tolerance was the prerequisite for the creation of a shared vision of a better future. Since the birth in 1991 of the idea of a United Nations Year for Tolerance, substantial efforts had been made to replace destructive passion with constructive compassion. Much remained to be done, however, if tolerance was to become a reality throughout the world. The sponsors therefore attached great importance to the draft resolution and hoped that it would be adopted by consensus.

67. **The Chairman** said that Bolivia, Côte d'Ivoire and the Philippines had become sponsors of the draft.

Agenda item 110: Human rights questions (*continued*)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/C.3/53/L.45)

Draft resolution A/C.3/53/L.45: Question of resources for the Office of the United Nations High Commissioner for Human Rights and the human rights activities of the United Nations

68. Mr. Alfeld (South Africa), introducing draft resolution A/C.3/53/L.45, said that the Bahamas, Denmark, Guinea-Bissau, Italy, Malawi, Portugal, Romania, Senegal, Slovenia, Sweden and Trinidad and Tobago had become sponsors. In its resolution 1998/83, the Commission on Human Rights

had expressed its concern that the resources allocated to the Office of the United Nations High Commissioner for Human Rights would not enable it to fulfil its mandates and had appealed to the Secretary-General, the Economic and Social Council and the General Assembly to take all necessary steps to secure sufficient budgetary resources for that purpose. That appeal had also been brought to the attention of all Heads of State and Government in a letter addressed to them by the Chairman of the Commission on Human Rights at its fifty-fourth session. In its decision 1998/275, the Economic and Social Council had approved the Commission's appeal.

69. His delegation hoped that the draft resolution would be adopted by consensus.

70. **The Chairman** said that the following countries had become sponsors of the draft: Belgium, Benin, Burundi, Cameroon, Croatia, Cyprus, Fiji, France, Germany, Greece, Iceland, Liechtenstein, Luxembourg, Madagascar, the Netherlands, Saint Lucia, Swaziland, Ukraine and the United Kingdom.

Agenda item 110: Human rights questions (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/53/L.34*)

Draft resolution A/C.3/53/L.34: Situation of human rights in Iraq*

71. **The Chairman** invited the Committee to take a decision on draft resolution A/C.3/53/L.34*, which had no programme budget implications.

72. **Ms. Campestrini** (Austria) said that Chile, Estonia and the Marshall Islands had become sponsors of the draft.

73. **Mr. Nagi** (Egypt), explaining his delegation's position before the vote, said that his Government, which had pledged to respect human rights and fundamental freedoms, emphasized the need to refrain from politicizing human rights questions and using them as a means of pressure on certain States or as an excuse for intervening in their internal affairs to avoid applying a double standard to the consideration of human rights questions and to take into account the diversity of cultures. His Government fully supported the sovereign right of each State to adopt such legislative provisions as it deemed appropriate in accordance with its culture and civilization. For all those reasons, his delegation would abstain during the vote on the draft resolution.

74. **Ms. Ibrahim** (Sudan) said that she completely rejected the selectivity which presided over the consideration of human rights questions, as well as their politicization. No State was totally exempt from violations in that area; the Sudan recalled in that regard that some organizations active in the field of human rights, whose information certain States relied upon in accusing others of infringing the fundamental rights of their citizens, condemned in their own reports those States which set themselves up as critics. Such a selective approach, moreover, was in itself a violation of human rights. Consequently, without prejudging the content of the text, her Government would vote against the draft resolution, and would, on the basis of that principle, vote against all resolutions of the same type.

75. **Ms. Al-Hamami** (Yemen) said that her delegation would not participate in the vote on the draft resolution and would take the same position with regard to other resolutions concerning human rights in other States, with the exception of those to be adopted by consensus. Her delegation would explain its reasons in detail before the General Assembly.

76. **Mr. Al-Humaimidi** (Iraq) said that from the standpoint of both content and form, the draft resolution was a carbon copy of previous resolutions adopted by the Commission on Human Rights and the Third Committee. Such resolutions, which had no relationship to human rights, were motivated by political considerations following the events in Kuwait and the armed aggression against Iraq in 1991. In its statement of 4 November 1997, his delegation had already replied to the Special Rapporteur's allegations.

77. With regard to the second preambular paragraph of the draft resolution, his Government was fully aware of its obligations under the international human rights instruments, and complied with them, because it believed that the protection of human rights was first and foremost a national obligation. With regard to the fifth preambular paragraph relating to various Security Council resolutions, his Government wished to make it clear that it was cooperating with international humanitarian organizations, such as the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Refugees, whose activities covered all regions of the country (Council resolution 688 (1991)). Concerning the provisions of Council resolution 686 (1991) concerning missing Kuwaiti nationals, his Government was cooperating fully with the International Committee of the Red Cross in accordance with the relevant international norms and rules. With regard to Council resolution 687 (1991), his Government had complied with all of its obligations and expected that the Security Council would in turn discharge its obligations towards Iraq by lifting the embargo against it. As to the decisions relating to the "oil for food and medicine" programme, his Government was taking care to implement

them within the framework of the Memorandum of Understanding.

78. With regard to the operative paragraphs of the draft resolution, particularly paragraphs 2 and 13, his Government sought to protect and ensure respect for the rights of all Iraqis, irrespective of their origin, gender or religion, in accordance with the provisions of the Constitution dealing with the protection of minorities, particularly article 19. In that connection, delegations could consult document E/CN.4/Sub.2/1994/54, which his delegation had submitted to the Subcommission on Prevention of Discrimination and Protection of Minorities. With regard to paragraph 3, his delegation believed that human rights mechanisms should not be limited to the mere presence of special rapporteurs or human rights monitors and wished to note that, despite the difficult situation confronting the country since the 1991 aggression, threats of aggression and the persistence of the economic embargo, Iraq continued to submit its periodic reports to the Human Rights Committee and to respond to all requests on that subject from the various working groups and rapporteurs. However, it was opposed to the presence in its territory of human rights monitors, which it considered, as did other countries, to constitute interference in its internal affairs and an infringement of its sovereignty. With regard to the alleged suppression of freedom of thought, expression and information mentioned in paragraph 5, his Government actually promoted the development of culture in all its forms by encouraging the work of scientific and cultural institutions, although it prohibited the publication of anything that might undermine its relations with other countries or that might be contrary to the moral and religious values of society. With regard to paragraph 6, Iraq sought to ensure respect for the principle of equity, and its legislation guaranteed the rights of persons sentenced to death, particularly through appeals procedures in the Court of Cassation. Moreover, articles 232 and 233 of the Penal Code stipulated severe penalties for those who inflicted torture during pre-trial detention. Independence of the judiciary was guaranteed by the Constitution; occasional violations which were not characteristic of Iraq, were prosecuted. With regard to missing Kuwaitis, he wished to note that Iraq cooperated with the International Committee of the Red Cross and participated in the work of the Tripartite Commission. The Iraqi Government continued to make every effort to solve that humanitarian problem, contrary to the assertions contained in the preambular and operative paragraphs of the draft resolution. Moreover, the drafting of paragraph 17 implied that the distribution of supplies and medicines was not equitable. That statement was contrary to the truth and wholly unacceptable, since all United Nations and other agencies had observed that the distribution was equitable and had said as much in their reports. Moreover, the contents of that paragraph contradicted the contents of paragraph 16, which mentioned the Secretary-General's report of 1 September 1998; that report stressed that Iraq had always cooperated in the implementation of the oil-for-food programme and the Memorandum of Understanding.

79. The draft resolution was subjective in that it deliberately overlooked many measures which Iraq had taken to strengthen democracy and human rights, particularly by organizing elections to the National Assembly and the popular assemblies and by inviting all Iraqi parties, irrespective of their political affiliation, to participate in the national dialogue and the strengthening of democracy. The draft resolution, which was political in nature, was a pretext for undermining Iraq and its leaders. His delegation hoped that other delegations would be able to put things in perspective and vote against that text. His delegation requested that a recorded vote should be taken on the draft resolution.

80. **Mr. Sepelev** (Russian Federation) said that Third Committee resolutions should give a thorough assessment of the human rights situation in a particular country, objectively identify weaknesses and rely on the norms of international law in seeking to remedy them. However, those criteria were not fully respected in the draft resolution. His delegation therefore requested a recorded vote on paragraphs 4, 13, 15 and 17 and would abstain in the voting.

81. **Mr. Rabuka** (Fiji) said he understood the reasons underlying the submission of the draft resolution but felt that it called basic principles into question, including the right to development, the sovereignty of States and non-interference in the internal affairs of States. His delegation would therefore abstain in the voting.

82. *A recorded vote was taken on paragraphs 4, 13, 15 and 17 of draft resolution A/C.3/53/L.34.*

In favour:

Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belgium, Belize, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands,

Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, Solomon Islands, Spain, Swaziland, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against:

Libyan Arab Jamahiriya.

Abstaining:

Algeria, Angola, Bangladesh, Belarus, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, China, Colombia, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Fiji, Ghana, Guinea, India, Indonesia, Jordan, Lao People's Democratic Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Philippines, Russian Federation, Rwanda, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, United Arab Emirates, Viet Nam, Zimbabwe.

83. *Paragraphs 4, 13, 15 and 17 of draft resolution A/C.3/53/L.34 were adopted by 88 votes to 1, with 55 abstentions.*

84. *A recorded vote was taken on draft resolution A/C.3/53/L.34 as a whole.*

In favour:

Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Swaziland, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against:

Libyan Arab Jamahiriya, Sudan.

Abstaining:

Algeria, Angola, Bahrain, Bangladesh, Benin, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, China, Colombia, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Fiji, Ghana, Guinea, India, Indonesia, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Madagascar, Malaysia, Mali, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Philippines, Rwanda, Saint Lucia, Sierra Leone, Singapore, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zimbabwe.

85. *Draft resolution A/C.3/53/L.34 as a whole was adopted by 92 votes to 2, with 56 abstentions.*

86. **Mr. Al-Hariri** (Syrian Arab Republic), speaking in explanation of vote, said that his delegation had abstained because paragraph 13 constituted an attempt to divide Iraq. His delegation was absolutely opposed to anything that might compromise the country's territorial integrity. Moreover, the draft resolution made no mention of Turkey's occupation of a large part of Iraqi territory or the military operations under way in the region. Lastly, paragraph 3, which called upon Iraq to allow the stationing of human rights monitors throughout the country, constituted interference in the affairs of a Member State and was thus contrary to the Charter of the United Nations.

87. **Ms. Al-Awadhi** (Kuwait) said that her delegation was a sponsor of the draft resolution and stressed that the Special Rapporteur of the Commission on Human Rights had painted a dismal picture of the situation of human rights in Iraq. It would have been preferable if the wording of paragraph 14 had more clearly conveyed Iraq's failure to cooperate with the Tripartite Commission and the resolution had called on the Government to cooperate fully in order to establish the whereabouts of Kuwaiti prisoners and other remaining

missing persons. She hoped that the Special Rapporteur, in the report on the situation of human rights in Iraq he was to submit to the General Assembly at its fifty-fourth session, would be able to announce that progress had been achieved in that regard.

88. **Mr. Arda** (Turkey), speaking in exercise of the right of reply with regard to the explanation of vote offered by the representative of the Syrian Arab Republic, said that Turkey had not invaded and did not occupy any portion of Iraqi territory. Iraq's territorial integrity was indeed of vital importance to Turkey. If Iraq wished to gain control over all its territory, it had only to implement all the relevant Security Council resolutions. His delegation could not and would not tolerate the use of Iraqi border areas adjacent to Turkey as terrorist bases for launching attacks against Turkey.

Organization of work

89. **The Chairman** noted that the deadline set by the Committee for the submission of draft resolutions had not been respected the previous week and that there had been no prior consultation on the need to postpone that deadline; he therefore urged all delegations to ensure that the broadest consultations possible were held on texts that were submitted late so that all delegations could participate in their final adoption by consensus.

The meeting rose at 5.45 p.m.

United Nations A/C.3/53/SR.48

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Summary record of the 48th meeting
Held at Headquarters, New York, on Tuesday, 17 November 1998, at 3 p.m.

Chairman: Mr. Hachani ..... (Tunisia)

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98-82427 (E)

The meeting was called to order at 3.15 p.m.

Agenda item 105: Report of the United Nations High Commissioner for Refugees: questions relating to refugees and displaced persons and humanitarian questions (*continued*) (A/C.3/53/L.52, L.54 and L.55)

Draft resolution A/C.3/53/L.52: Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States

1. **Mr. Nikiforov** (Russian Federation), introducing draft resolution A/C.3/53/L.52, said that it dealt with the implementation of the decisions adopted at the Regional Conference on refugees held in Geneva in May 1996 and should enable specific measures to be taken to prevent new flows of refugees and displaced persons in the region. Given the flexibility shown by all countries concerned during the elaboration of the draft resolution and its objective and balanced nature, he hoped that it would be adopted without a vote.

Draft resolution A/C.3/53/L.54: New international humanitarian order

2. **Mr. Al Hussein** (Jordan), introducing draft resolution A/C.3/53/L.54, announced that Guinea-Bissau, Kazakhstan and Mauritania had become sponsors. He recalled that the Committee had adopted previous resolutions on the subject without a vote. At the request of the General Assembly, the Secretary-General had submitted 10 reports on the subject, containing comments by some 50 Member States. The scale and complexity of humanitarian problems demanded that international cooperation be strengthened in order to address them effectively. There was a need, individually and collectively, to accept the duty of and assume responsibility for helping those in need, in recognition of the fact that, in the global village, adversity anywhere was a threat to prosperity everywhere.

3. The preamble to the draft resolution emphasized, *inter alia*, the need to work closely with the United Nations system to promote the new international humanitarian order, and to support the new Office for the Coordination of Humanitarian Affairs established as part of the Secretary-General's reform process. Development and peace went hand in hand, and most humanitarian problems were caused by the absence of conditions conducive to them. The operative part of the draft resolution was a plea to promote the new international humanitarian order and suggested ways of dealing effectively with complex emergencies and escalating humanitarian problems. Jordan, which had long experience of refugee problems, had recently hosted, along with the Office of the United Nations High Commissioner for Refugees (UNHCR), a regional meeting to discuss the problems facing the countries of the area extending from the Near and Middle East to Central and South Asia, and wished to assure the High Commissioner of its full support.

4. The draft resolution suggested that the question of a new international humanitarian order should remain on the agenda in order to give Member States the opportunity to develop norms and conceptual frameworks to meet new challenges. His delegation and others would like the Secretary-General to report on the question to the General Assembly at its fifty-fifth session. In the meantime, Governments should continue to provide the Secretary-General with their views and comments on humanitarian problems of concern to them. His delegation hoped that the draft resolution, which had no programme budget implications, would be adopted without a vote.

Draft resolution A/C.3/53/L.55: Office of the United Nations High Commissioner for Refugees

5. **Mr. Sjögren** (Sweden), introducing draft resolution A/C.3/53/L.55 on behalf of the Nordic countries and the other sponsors, announced that Bolivia, Botswana, Cape Verde, Chad, Guinea, Malta, Paraguay, Swaziland and Uruguay had also become sponsors. In the first line of paragraph 10, the phrase "refrain from any actions that prevent or obstruct the staff of the Office of the High Commissioner and other humanitarian personnel from performing the functions required under their mandates" should be replaced by "continue to cooperate closely with the staff of the Office of the High Commissioner and other humanitarian personnel in performing the functions required under their mandates". The draft resolution focused on the protection aspect of the High Commissioner's mandate. It contained new provisions on, *inter alia*, the promotion of universal accession to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees; the right of asylum as recognized in paragraph 14 of the Universal Declaration of Human Rights, including the protection of internally displaced persons; the need to provide assistance to countries that had received large numbers of refugees, particularly developing countries; capacity-building; and the situation of elderly refugees and stateless persons. His delegation hoped that the draft resolution would be adopted by consensus.

Agenda item 110: Human rights questions (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/53/L.38, L.43, L.47, L.59 and L.61)

Draft resolution A/C.3/53/L.38: Situation of human rights in the Islamic Republic of Iran

6. **Mr. Theuermann** (Austria), introducing draft resolution A/C.3/53/L.38 on behalf of the European Union and the other sponsors, said that the text was based on the findings of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran. The European Union believed that the draft resolution reflected the situation of human rights in that country in an accurate and balanced manner, taking into account positive developments in some areas. It addressed serious human rights violations which continued to occur there, including cases of torture and inhuman or degrading treatment, discrimination against religious minorities, in particular the Baha'i community, and the lack of full enjoyment by women of their basic human rights. For the past three years, the Government of the Islamic Republic of Iran had not allowed the Special Representative to visit the country. The draft resolution once again called upon the Government to resume full cooperation with the Special Representative. The European Union had sought the cooperation of the delegation of the Islamic Republic of Iran in drawing up that important draft resolution, but the delegation had indicated that its Government would not accept any draft resolution which addressed the situation of human rights in the Islamic Republic of Iran in a substantive manner. The European Union remained open to further discussion with the Government in a spirit of openness and believed that extending an invitation to the Special Representative to visit that country would be an important element in that regard. The sponsors hoped that all Member States would support the draft resolution.

Draft resolution A/C.3/53/L.43: Human rights in Haiti

7. **Ms. De Felice** (Venezuela), introducing draft resolution A/C.3/53/L.43 on behalf of the friends of Haiti and the sponsors, said that Australia, Belgium, Belize, Brazil, Denmark, the Dominican Republic, Hungary, Iceland, Israel, Saint Lucia and Trinidad and Tobago had joined the sponsors. The draft resolution repeated ideas expressed in the resolution which the General Assembly had adopted on that question at its fifty-second session and in the resolution adopted by the Commission on Human Rights at its previous session (1998/58). Confronted with an ongoing economic crisis compounded by political instability, Haiti was experiencing serious shortcomings in fields such as the administration of justice, the police and prison administration, which affected the human rights situation. The draft resolution focused on the need for international cooperation to help the Haitian Government take concrete steps in order to deal with that situation.

8. In the eleventh preambular paragraph, the phrase "to express their wishes fully through free, honest and transparent elections" should be replaced by the phrase "to fully express their will through free, fair and transparent elections". In paragraph 5 of the English text, the word "statement" should be replaced by the word "stalemate". The sponsors hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/53/L.47: The situation of human rights in the Democratic Republic of the Congo

9. **Mr. Theuermann** (Austria) introduced draft resolution A/C.3/53/L.47, placing particular emphasis on the provisions of paragraphs 1, 5, 9 and 11 to 15. He noted that the draft underlined the need to take human rights considerations into account in planning for an international peacekeeping or peace-building presence in the country and pointed out that its sponsors had been in close contact with the Government of the Democratic Republic of the Congo and other interested countries throughout the process of drawing up the draft text, which would make a positive contribution to settling the current crisis. He hoped that the draft resolution would be adopted without a vote.

10. **Mr. Essanzo** (Congo) said that the name of his country had been erroneously placed among the sponsors of the draft resolution.

11. **Mr. Mikongo** (Democratic Republic of the Congo) said that his country totally rejected the draft resolution.

12. **Mr. Freire** (Portugal) said that his country should appear among the sponsors of the draft resolution.

Draft resolution A/C.3/53/L.59: Situation of human rights in Myanmar

13. **Ms. Mårtensson** (Sweden) introduced draft resolution A/C.3/53/L.59 on behalf of the sponsors as well as Estonia and the United States of America and noted, with regard to paragraph 4, that the continuing violations of human rights in Myanmar had been referred to in reports drawn up both by the Special Rapporteur and the International Labour Organization Commission of Inquiry. She also placed particular stress on paragraphs 2, 5, 6, 7, 9 and 10 and hoped that the draft text would be adopted without a vote.

Draft resolution A/C.3/53/L.61: Situation of human rights in Kosovo

14. **Ms. King** (United States of America) said that Croatia, Iceland and the United Arab Emirates had joined the sponsors of the draft resolution and pointed out that the wording of paragraph 14 (c) had been amended to read: "To allow complete, unimpeded access for the International Tribunal for the Former Yugoslavia and its forensic experts to Kosovo, ...", and in paragraph 32 the phrase "the territory of the former Yugoslavia" had been replaced by the phrase "the territory of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)".

15. She pointed out that the first steps to the Balkan region's disastrous wars had occurred in Kosovo some nine years earlier. Now that the fighting elsewhere had ceased, the injustices to the people of Kosovo had flared into the latest Balkan ethnic war. The police and armed forces of the Federal Republic of Yugoslavia had forced nearly 300,000 people to flee their homes and had destroyed over 20,000 houses. There were over 1,000 documented deaths, many of them small children and the very old. While there had been atrocities by both sides, the Yugoslav forces were responsible for the overwhelming majority of those cases. Instead of attempting to establish law and order, they sought to terrorize an entire population. The violence had come after more than 10 years of oppression of the most basic human aspirations.

16. The draft resolution was the only occasion that the General Assembly would have to express its collective view concerning the ongoing crisis in Kosovo and condemn all human rights violations committed there. The draft resolution did not seek to make policy or infringe on the responsibilities of other United Nations bodies. The authorities of the Federal Republic of Yugoslavia should not be held to lesser commitments than they had made in other forums, such as the Security Council, NATO or OSCE. The draft resolution denounced the violence, called for cooperation with the International Criminal Tribunal for the Former Yugoslavia, a peaceful and negotiated settlement, the establishment of democracy, self-governance for Kosovo, the creation of legislative, judicial, executive and police bodies in Kosovo controlled by the local population and respect for human rights. It affirmed no more than the commitments that the leaders of the Federal Republic of Yugoslavia had made elsewhere.

17. It was therefore hoped that the text would be sponsored by many countries.

Agenda item 110: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/53/L.32, L.36, L.42, L.44, L.46, L.48 and L.50)

Introduction of draft resolutions

Draft resolution A/C.3/53/L.46: Question of enforced or involuntary disappearances

18. **Ms. de Carné de Trécesson** (France), introducing draft resolution A/C.3/53/L.46, said that Cuba, Hungary, Iceland, Latvia, Portugal, the Republic of Moldova, Senegal, Sweden and the United States of America had become sponsors of the draft resolution. The text updated the resolution adopted by consensus at the fifty-first session of the General Assembly and the texts adopted by the Commission on Human Rights. The sponsors hoped that the draft resolution would be adopted by consensus.

Draft resolution A/C.3/53/L.50: United Nations Decade for Human Rights Education, 1995–2004, and public information activities in the field of human rights

19. **Ms. Wet** (Namibia), introducing draft resolution A/C.3/53/L.50, said that Australia, Croatia, the Philippines, the Russian Federation and Venezuela had become sponsors of the draft resolution. The sponsors had taken into account developments since the fifty-second session of the General Assembly. Member States were urged to take note in particular of the Web site to be launched on 10 December in order to enable the Commission on Human Rights to disseminate information on human rights, as well as of its publications and external relations programme. The draft resolution also mentioned the project "Assisting communities together" which was designed to provide small grants to grass-roots and local organizations carrying out practical human rights activities. The sponsors hoped that the draft resolution would be adopted without a vote.

20. **Ms. Boyko** (Ukraine) said that her delegation wished to become a sponsor of the draft resolution.

21. **The Chairman** announced that Benin, Botswana, Burundi, Côte d'Ivoire, Guinea and Togo had become sponsors.

Action on draft resolutions

Draft resolution A/C.3/53/L.32: Elimination of all forms of religious intolerance

22. **The Chairman** invited the Committee to take action on draft resolution A/C.3/53/L.32. Noting that it had no programme budget implications, he said that Cameroon and Japan had become sponsors at the time of its introduction and that Madagascar, Panama and Ukraine also wished to become sponsors.

23. **Ms. Duffy** (Ireland) said that the Solomon Islands had also become a sponsor of the draft resolution.

24. Draft resolution A/C.3/53/L.32 was adopted.

Draft resolution A/C.3/53/L.36: Respect for the right to universal freedom of travel and the vital importance of family reunification

25. **The Chairman** said that draft resolution A/C.3/53/L.36 had no programme budget implications.

26. A recorded vote was taken on draft resolution A/C.3/53/L.36.

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bangladesh, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Mali, Mauritania, Mexico, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Saint Lucia, Saudi Arabia, Senegal, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Albania, Andorra, Australia, Austria, Bahamas, Bahrain, Barbados, Belarus, Belgium, Bulgaria, Burundi, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Mongolia, Mozambique, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland.

27. Draft resolution A/C.3/53/L.36 was adopted by 82 votes to 1, with 67 abstentions.

28. **Ms. Monroy** (Mexico), speaking in explanation of vote, said that her delegation had voted in favour of the draft resolution because it believed that the text included important elements for the promotion of the rights of migrants. Referring to paragraph 1, however, she noted that the right to freedom of movement was laid down in article 13 of the Universal Declaration of Human Rights and that it applied to everyone, migrants and others.

29. **Mr. Tapia** (Chile) said that his country had voted in favour of the draft resolution for the same reason, but that the text was selective, since it did not include paragraph 2 of article 13 of the Universal Declaration of Human Rights, which stated that "Everyone has the right to leave any country, including his own, and to return to his country".

Draft resolution A/C.3/53/L.42: Regional arrangements for the promotion and protection of human rights

30. **The Chairman** informed the Committee that draft resolution A/C.3/53/L.42 had no programme budget implications and that, because of an oversight, the main sponsor, Belgium, had not been included in the initial list of sponsors. Cameroon, Guinea-Bissau, Lesotho, Liberia, Mali, Mongolia, Morocco, Mozambique, Panama, the Philippines, Senegal, the former Yugoslav Republic of Macedonia and the United Republic of Tanzania had joined the sponsors when the draft resolution had been introduced.

31. **Ms. Newell** (Secretary of the Committee) recalled that, when it had introduced the draft resolution, the Belgian delegation had indicated that the phrase "the annual intergovernmental workshop for the Asian and Pacific region", which had been omitted from paragraph 10 of the English version, should be reinserted between the words "in this context" and "as stated during ...".

32. **Miss Petridis** (Belgium) said that Guinea and the Republic of Korea had joined the sponsors.

33. **The Chairman** announced that El Salvador, Malawi and Sierra Leone also wished to sponsor the draft resolution.

34. *Draft resolution A/C.3/53/L.42 was adopted.*

Draft resolution A/C.3/53/L.44: Strengthening of United Nations action in the human rights field through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

35. **The Chairman** informed the Committee that the draft resolution had no programme budget implications and that Niger and the Sudan had joined the sponsors of the draft resolution when it had been introduced. Madagascar and Uganda also wished to sponsor the draft resolution.

36. *Draft resolution A/C.3/53/L.44 was adopted.*

Draft resolution A/C.3/53/L.48: Follow-up to the United Nations Year for Tolerance

37. **The Chairman** said that the draft resolution had no programme budget implications and that Bolivia, Chile, Côte d'Ivoire, India, the Philippines and the former Yugoslav Republic of Macedonia had joined the sponsors when the draft resolution had been introduced.

38. **Mr. Arda** (Turkey) said that the Russian Federation had also joined the sponsors.

39. **The Chairman** announced that the Dominican Republic, El Salvador and Panama also wished to sponsor the draft resolution.

40. *Draft resolution A/C.3/53/L.48 was adopted.*

41. **Mr. Al-Hariri** (Syrian Arab Republic) said that, while he had joined the consensus, he wished to explain his country's position with respect to certain ideas which had scarcely been touched on in the Declaration of Principles on Tolerance adopted by UNESCO on 16 November 1996 and the follow-up to the United Nations Year for Tolerance.

42. Tolerance did not consist in violating the rights set forth in the Charter of the United Nations or international humanitarian law, nor in accepting aggression and lack of respect for the rights of others, the occupation of territory and the confiscation of the property of the persons living there. It was not compatible with the use of force, nor with intransigence.

43. Furthermore, terrorism was mentioned only in passing in the Follow-up Plan of Action. No distinction was made between terrorism and just resistance against foreign occupation. His country had always condemned terrorism in all its forms and supported the fight against that scourge and the relevant United Nations resolutions. Recently, it had contributed to the adoption of a code of conduct on the subject in cooperation with the Ministers of the Interior of the Arab countries, and it was currently working, within the Organization of the Islamic Conference (OIC), towards the adoption of another code of conduct against terrorism.

44. The Syrian Arab Republic condemned xenophobia, racism, racial discrimination, ethnic cleansing, the occupation of territory, genocide and hatred towards Arabs, Africans, Asians and Latin Americans.

45. Nevertheless, his Government, which wished to find solutions to the problems of the modern world, supported the Declaration of Principles and the related Follow-up Plan of Action.

Award of human rights prizes in 1998

46. **Mr. Reyes Rodriguez** (Cuba) sought clarification regarding the implementation of General Assembly decision 52/424 concerning the award of human rights prizes in 1998.

47. He observed that the procedures for the selection of the prizewinners were stipulated in resolutions. Since the prizes were to be awarded on 10 December 1998 and the special committee entrusted with the selection of the winners had already met, the Committee should be informed of the decisions made and, in particular, of the names of the recipients before 10 December. The political importance of the prizes and the need to maintain a climate of understanding required that there should be the greatest transparency in that regard. His delegation would be grateful if the special committee would provide the necessary information through the Chairman or the secretariat.

48. **Ms. Newell** (Secretary of the Committee) said that the question, which had been discussed by the Bureau, had been conveyed to the special committee, which had responded that the names of the prizewinners would not be made public until 10 December. It would perhaps be helpful if the Bureau were to convey the comments of the Cuban delegation and its request to the President of the General Assembly.

49. **Mr. Reyes Rodriguez** (Cuba) expressed surprise at the decision of the special committee. While the special committee enjoyed the confidence of Member States, all States must nevertheless be able to participate in the process of awarding the prizes and, in order to do so, must be able to obtain the necessary information before 10 December. Transparency should be a sine qua non where such matters were concerned.

50. **Mr. Xie Bohua** (China) said it had been his understanding that a certain period would elapse between the submission of the list of nominees for the human rights prizes and the adoption of a final decision on the awarding of the prizes. He would like to have that confirmed and to know what was the exact procedure envisaged for the awarding of the prizes.

51. **The Chairman** said he thought that meetings had already been held to select the nominees, but he did not know whether any final decision had been taken. He requested the Secretary and the Representative of the Office of the United Nations High Commissioner for Human Rights to obtain the necessary information and report back to the members at the next meeting.

The meeting rose at 4.45 p.m.

United Nations A/C.3/53/SR.49

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Summary record of the 49th meeting
Held at Headquarters, New York, on Wednesday, 18 November 1998, at 3 p.m.

Chairman: Mr. Hachani ..... (Tunisia)

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98-83551 (E)

The meeting was called to order at 3.15 p.m.

Award of human rights prizes in 1998

1. **Ms. Stamatopoulou** (Office of the United Nations High Commissioner for Human Rights), responding to questions posed by the representatives of China and Cuba at the 48th meeting with respect to awards of human rights prizes, said that the award of such prizes had been approved by the General Assembly in a resolution of 1966 and that prizes had been awarded in 1968, 1973, 1978, 1988 and 1993. In May 1998, the High Commissioner for Human Rights had addressed a letter to Heads of State requesting them to submit nominations, it being understood that nominations could be made either by the Governments themselves or by non-governmental organizations, specialized agencies or other appropriate bodies. The nominations received had been submitted to a special committee composed of the President of the General Assembly, the President of the Economic and Social Council, the Chairman of the Commission on Human Rights, the Chairman of the Subcommission on Prevention of Discrimination and Protection of Minorities and the Chairman of the Commission on the Status of Women. The special committee had met in mid-October and had taken its decision which, in accordance with the established practice, would remain confidential until 10 December when the prizes would be awarded.

2. **The Chairman** said that it was an item which had been considered in the plenary meeting of the Assembly and not by the Third Committee. Since the latter had no decision-making role to play, the Bureau proposed that it should not engage in a sterile discussion. The prizes would be awarded by the Secretary-General or the President of the General Assembly.

3. **Mr. Reyes Rodríguez** (Cuba) said that since decision 52/424 on the award of human rights prizes had been taken upon the recommendation of the Third Committee, the Committee had the mandate to consider the issue. Moreover, if the procedure adopted when resolution 2217 (XXI) had been drawn up was confidential, then it was a policy of the past and Member States had every right to reject it; Cuba was doing so and would continue to do. Since the prizes were awarded on behalf of the United Nations and not only of a Committee, there must be transparency with respect to information thereon.

4. **Mr. Ren Housheng** (China) asked whether the special committee's decision had to be endorsed by the Assembly.

5. **Ms. Stamatopoulou** (Office of the United Nations High Commissioner for Human Rights) said that in accordance with General Assembly resolution 2217 (XXI), the special committee took the final decision on the matter; it was not submitted to plenary meeting of the General Assembly.

Agenda item 105: Report of the United Nations High Commissioner for Refugees: questions relating to refugees and displaced persons and humanitarian questions (*continued*) (A/C.3/53/L.52, L.53, L.54 and L.55)

Introduction of a draft resolution

Draft resolution A/C.3/53/L.53: Assistance to refugees, returnees and displaced persons in Africa

6. **Ms. Mdoe** (United Republic of Tanzania), introducing the draft resolution on behalf of the Group of African States, said that Yemen had also become a sponsor of the draft resolution. The draft resolution updated General Assembly resolution 52/101 and had taken into account developments in the refugee situation since the previous year. It had been the subject of lengthy debates among African countries and had been enriched by very useful comments from the European Union. She hoped that, as in the past, it would be adopted by consensus.

Action on draft resolutions

Draft resolution A/C.3/53/L.52: Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States

7. **The Chairman** said that the draft resolution contained no programme budget implications.

8. **Mr. Nikiforov** (Russian Federation) said that Iceland, Israel and the former Yugoslav Republic of Macedonia had joined the sponsors of the draft resolution.

9. *Draft resolution A/C.3/53/L.52 was adopted without a vote.*

10. **Mr. Koziy** (Ukraine), explaining why his country had not sponsored the draft resolution, said that the results of the Regional Conference certainly constituted a useful basis for international cooperation. His country, which had actively participated in the Conference, supported the principles outlined in the Programme of Action, which it intended to implement fully.

11. However, despite the title of the Conference and the general atmosphere which had prevailed at the gathering, the resolution referred to an entity which was not a subject of international law, did not represent any geographical region within the normal meaning of the term and was merely a multilateral mechanism for consultations and negotiations. His delegation therefore disassociated itself from the references made in the fourth and fifth preambular paragraphs and in paragraphs 2, 6, 7 and 9 of the draft resolution.

Draft resolution A/C.3/53/L.54: New international humanitarian order

12. **The Chairman**, noting that the draft resolution had no programme budget implications and recalling that Guinea-Bissau, Kazakhstan and Mauritania had become sponsors at the time of its introduction, announced that Israel and Malaysia had joined the sponsors of the draft resolution.

13. **Ms. Keppler-Schlesinger** (Austria), speaking on behalf of the European Union, said that the European Union had proposed a number of amendments that had been taken into account. Nevertheless, that initiative should, in the future, be pursued in the framework of the debate in the Economic and Social Council on humanitarian questions. The European Union remained willing to cooperate in that connection with the sponsor of the draft resolution at the next substantive session of the Council. That was the basis on which the European Union associated itself with the proposed text.

14. *Draft resolution A/C.3/53/L.54 was adopted without a vote.*

Draft resolution A/C.3/53/L.55: Office of the United Nations High Commissioner for Refugees

15. **The Chairman** noted that the draft resolution had no programme budget implications and that Bolivia, Botswana, Chad, Cape Verde, Guinea, Malta, Paraguay, Swaziland and Uruguay had added their names to the list of sponsors when the text had been introduced; he announced that Eritrea and the Sudan had joined the sponsors of the draft resolution.

16. **Ms. Newell** (Secretary of the Committee) read out the oral revision made by Sweden during its introduction of the draft resolution. The beginning of paragraph 10 should read as follows: "Calls upon States and all concerned parties to continue to closely cooperate with the staff of the Office of the High Commissioner and other humanitarian personnel in performing the functions required under their mandates, ..."; the remainder of the paragraph was unchanged.

17. **Mr. Sjörgen** (Sweden) said that the Federated States of Micronesia, Kyrgyzstan and Togo had joined the sponsors of the draft.

18. *Draft resolution A/C.3/53/L.55, as orally revised, was adopted without a vote.*

19. **Ms. Pang** (Singapore) said that her delegation, which supported the general approach reflected in the draft resolution, nonetheless had reservations concerning paragraph 5. Whether in its statements or in practice, Singapore did not, owing to its vulnerability and limited resources, recognize an automatic and unrestricted right of asylum.

Agenda item 110: Human rights questions *(continued)*

(a) Implementation of human rights instruments (*continued*) (A/C.3/53/L.22/Rev.1, A/C.3/53/L.23 and A/C.3/53/L.62)

Draft resolution A/C.3/53/L.22/Rev.1: Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

20. **The Chairman**, noting that draft resolution A/C.3/53/L.22/Rev.1 had programme budget implications and that Israel and Monaco had joined the list of sponsors, invited the Committee to take a decision on the draft resolution.

21. **Ms. Newell** (Secretary of the Committee), reading out the statement of programme budget implications, said that subparagraph (b) of the eighth preambular paragraph, the ninth preambular paragraph and paragraph 6 (a), (b) and (c), which requested the Secretary-General to secure or seek resources for the human rights treaty bodies, dealt with administrative and budgetary matters. The attention of the members of the Committee was drawn to the provisions of General Assembly resolution 45/248, Part B, section VI, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters, reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions and expressed its concern at the tendency of its substantive Committees and other intergovernmental bodies to involve themselves in administrative and budgetary matters. The Fifth Committee was shortly to adopt recommendations concerning the allocation of resources in the programme budget for the biennium 2000–2001, bearing in mind the priorities already approved by the General Assembly.

22. **Ms. McVey** (Canada), after announcing that the Republic of Korea, the Russian Federation and the former Yugoslav Republic of Macedonia had joined the sponsors of the draft resolution, read out an amendment which consisted of replacing paragraph 32 with a text based on paragraph 23 of Commission on Human Rights resolution 1998/27, as follows: "Also welcomes the contribution of the human rights treaty bodies, within their mandates, to the prevention of violations of human rights, in the context of their consideration of reports submitted under their respective treaties." Her delegation hoped that the draft would be adopted by consensus.

23. **Mr. Al-Hariri** (Syrian Arab Republic) said that he would have preferred for the statement of implications of the draft resolution to be circulated as an official document, as had been done in respect of draft resolution A/C.3/53/L.23; he hoped that that would be done in the future.

24. **The Chairman** said that the Cuban delegation had requested a separate vote on paragraph 26 of the draft resolution.

25. **Mr. Reyes Rodríguez** (Cuba), explaining his delegation's position on paragraph 26 before the vote, said that his delegation attached great importance to the effective implementation of international instruments on human rights and therefore worked to achieve universal ratification of all such instruments. Nevertheless, substantive and formal reasons argued in favour of a separate vote on paragraph 26.

26. From the substantive standpoint, cooperation and coordination between the human rights treaty bodies and the special and thematic procedures of the Commission on Human Rights was unacceptable in the light of their differences. Moreover, from the legal standpoint, neither those bodies nor the mechanisms of the Commission on Human Rights were fully autonomous; that was why the Vienna Declaration on human rights, in its paragraph 88, entrusted States parties, the General Assembly and the Economic and Social Council with the responsibility of ensuring cooperation and coordination. Moreover, while the mandate of the human rights treaty bodies had been negotiated in an atmosphere of openness, transparency and consensus, the same could not be said of the mechanisms of the Commission on Human Rights, many of which were the result of less than fully transparent negotiations. The mechanisms of the Commission on Human Rights and the human rights treaty bodies had different mandates and characteristics; any effort to coordinate the two groups would only foster the politicization of the treaty bodies' actions, while jeopardizing their credibility and effectiveness.

27. From the formal standpoint, an identical paragraph had been the object of a separate vote at the previous session of the General Assembly. His delegation had, in a spirit of understanding and harmony, cooperated with the sponsors of the draft resolution within the Commission on Human Rights, and a consensus had been reached with the deletion of the paragraph in question. As cooperation had now given way to confrontation, his delegation, had requested a separate vote and would vote against the draft resolution.

28. **Mr. Mukhopadhaya** (India), speaking in explanation of vote before the voting, said that human rights treaty bodies were an effective instrument for the promotion and protection of human rights. India had signed or ratified the principal human rights instruments and had fulfilled its reporting obligations thereunder. When, at its fifty-second session, the Committee had been required to take a decision on paragraph 21 of the text that was to become resolution 52/118, his delegation had drawn attention to the tendency to adopt resolutions that were political in nature on the methods of work of bodies which had been established pursuant to international instruments. If that trend continued, it might have an adverse impact on the effective implementation of the instruments. The cooperation and coordination between those bodies and the special procedures of the Commission on Human Rights which were referred to in paragraph 26 of the draft resolution raised a problem in that the former were bodies of experts who had been elected by the States parties, while the latter were of a more political nature. Even though they complemented each other, the mechanisms were different. The Indian delegation was therefore of the view that the combining of the two types of mechanisms could adversely affect a system that was working well and could ultimately jeopardize the cooperation given by States to the international human rights bodies. It was regrettable that the authors of the text had not changed their position after the consultations. India would therefore vote against paragraph 26.

29. **Mr. Hynes** (Canada), speaking on a point of order, said that his delegation would have welcomed an opportunity to explain the justification for the paragraph. As a co-sponsor of the draft resolution, it would vote in favour of paragraph 26 and urged other delegations to do likewise.

30. **Mr. Carle** (United States of America) said that Cuba had proposed that a vote should be taken on paragraph 26 and Canada should therefore have been allowed to explain its vote.

31. *A recorded vote was taken on paragraph 26 of draft resolution A/C.3/53/L.22/Rev.1.*

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Equatorial Guinea, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Namibia, Nepal, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Senegal, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against:

Cuba, Democratic People's Republic of Korea, Egypt, India, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Syrian Arab Republic.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Bhutan, Brunei Darussalam, Cape Verde, China, Democratic Republic of the Congo, Fiji, Gabon, Guyana, Indonesia, Lao People's Democratic Republic, Lebanon, Malaysia, Mali, Mauritania, Mauritius, Myanmar, Nicaragua, Niger, Nigeria, Pakistan, Papua New Guinea, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, Sri Lanka, Sudan, Trinidad and Tobago, Tunisia, United Republic of Tanzania, Viet Nam, Yemen.

32. *Paragraph 26 of draft resolution A/C.3/53/L.22/Rev.1 was retained by 93 votes to 7, with 38 abstentions.*

33. **Mr. Reyes Rodríguez** (Cuba) said that the Cuban delegation dissociated itself from paragraph 26.

34. *Draft resolution A/C.3/53/L.22/Rev.1 as a whole was adopted without a vote.*

35. **Mr. Al-Hariri** (Syrian Arab Republic) said that his delegation had joined the consensus even though it had voted against paragraph 26, which was ambiguous and did not make clear the modalities of cooperation and coordination between the international human rights treaty bodies and the mechanisms of the Commission on Human Rights. That could have adverse repercussions on the effective implementation of the instruments.

Draft resolution A/C.3/53/L.23: Torture and other cruel, inhuman or degrading treatment or punishment

36. **The Chairman** said that the statement of the programme budget implications of the draft resolution, which had been submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly, was contained in document A/C.3/53/L.62. He recalled that at the time that the draft resolution was being introduced, Cyprus, Madagascar, Malta, the United States of America and Venezuela had joined its sponsors.

37. **Ms. Geelan** (Denmark) announced that Bosnia and Herzegovina, Côte d'Ivoire and France had joined the sponsors of the draft resolution and expressed her appreciation for the flexibility which the sponsors had shown during the consultations in taking into account the concerns of other delegations. The text should be amended as follows: the last four words of paragraph 1, "on a regular basis", should be deleted; in the first line of paragraph 9, the word "progress" should be replaced by "efforts"; in the third line of the same paragraph, the words "with a view to establishing" should be replaced by "which is intended to establish". In the first line of paragraph 10, the word "Welcomes" should be replaced by the words "Takes note with appreciation of". In the third line of paragraph 11, the words "respond positively" should be replaced by "give serious consideration"; in the fourth line of the same paragraph, the words "give appropriate effect" should be replaced by "the follow-up". In the fourth line of paragraph 12, the word "including" should be replaced by "in particular". In the third line of paragraph 13, the words "notably that on crime prevention and criminal justice" should be inserted after "United Nations programmes". In the fourth line of paragraph 24, the words "sub-item entitled Implementation of human rights instruments" should be replaced by "appropriate sub-items of the agenda". The Danish delegation believed that the text reflected a willingness to cooperate with the Special Rapporteur in the fulfilment of his mandate, which required the collaboration of Governments, and hoped that the draft resolution would be adopted by consensus.

38. **The Chairman** announced that Croatia had joined the list of sponsors.

39. *Draft resolution A/C.3/53/L.23, as amended, was adopted without a vote.*

40. **Mr. Baali** (Algeria), speaking in explanation of position, said that his delegation had participated actively in the consultations on draft resolution A/C.3/53/L.23 and would have liked that important text to take account of the concerns of all delegations. A very worrying trend was emerging at the United Nations that consisted in attempts to amend through resolutions the provisions of treaties adopted by plenipotentiaries at diplomatic conferences. Attempts were thus being made to undermine the sovereign right of States to formulate reservations, and to accord treaty bodies the power to pass judgement on the admissibility or scope of reservations. Similarly, it was being openly suggested that treaty bodies should consider the reports submitted by States in their absence although the aim was to arrive through dialogue at an objective and impartial appraisal of the reports and to enhance cooperation with the State concerned in order to achieve more effective and more comprehensive implementation of the various human rights instruments. The sponsors of the draft resolution had also attempted, in paragraph 11, to broaden improperly the mandate of the Special Rapporteur and the scope of the resolutions of the Commission on Human Rights and the General Assembly by calling on States to respond positively to the Special Rapporteur's requests to visit their countries, a demand which had no basis in law whatever. His delegation dissociated itself completely from that paragraph but had agreed to join the consensus because it believed that the international community must combat torture and all other cruel treatment with the utmost rigour. Algeria would never accept the fraudulent amendment of the provisions of international instruments, whether by means of consensus resolutions or any other inadmissible manoeuvre. It was prepared to have open and transparent discussions on the mandate of the various bodies and believed that countries struggling with the enormous challenges of underdevelopment and poverty while embarking simultaneously upon the process of democratization should not be blackmailed where human rights were concerned.

41. **Ms. Mekhemar** (Egypt), speaking in explanation of position, said that Egypt was ready to work with the various committees and special rapporteurs and that she wished to see a cooperation mechanism which would clearly define the duties and obligations of all concerned in order to avoid violating the principles enshrined in the Charter of the United Nations. Paragraph 11 flouted an important principle of international law, that of State sovereignty, which conferred upon States the power to agree to or refuse visits by special rapporteurs. That provision of the draft resolution introduced a new concept. Her delegation therefore dissociated itself from the consensus with respect to paragraph 11.

42. **Mr. Al-Hariri** (Syrian Arab Republic), speaking in explanation of position, said that the amendments made to the draft resolution had not taken account of his delegation's concerns with respect to paragraph 11. That paragraph changed the mandate of the Special Rapporteur, necessitating the implementation of special procedures which were not provided for in the draft resolution. His delegation therefore could not join the consensus on the draft resolution.

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/53/L.33, L.39, L.40, L.46, L.49 and L.50)

Introduction of draft resolutions

Draft resolution A/C.3/53/L.39: Situation of human rights in Cambodia

43. **Ms. Kerr** (Australia), introducing draft resolution A/C.3/53/L.39, said that Belgium, Costa Rica, Denmark, Germany, Latvia, Liechtenstein and Portugal also wished to sponsor the draft resolution. The text, which was based on the report of the Special Representative of the Secretary-General for human rights in Cambodia (A/53/400), emphasized the evolution of the situation in that country since the adoption of resolution 52/135. It took note of the progress made (national elections in July 1998, the formation of a provisional Cambodian human rights committee, the appointment by the Secretary-General of a group of experts to evaluate the existing evidence concerning the crimes committed by the Khmer Rouge) and of the areas where more needed to be done.

44. The formation of a Government had long been awaited and Australia, like other countries, had done all it could to encourage the Cambodians to resolve their political problems. It welcomed in that respect the agreement concluded recently which should make it possible to put in place a new Government, to convene a meeting of the National Assembly on 25 November, to promote political stability and to facilitate the task of a Government faced with rebuilding the country and protecting human rights.

45. The sponsors of the draft resolution had agreed to make the following revisions: paragraph 4 should be divided in two, the first part concluding with "elections" and the second part — new paragraph 5 — reading as follows: "*Notes* that the elections demonstrated the clear desire of the

Cambodian people for democracy, stresses the need for the constructive engagement of all parties in order to fulfil the objective of the elections, the formation of an elected, constitutional Government, and, in this context, welcomes the agreement reached between political parties to convene the national assembly and to establish a coalition Government". Also, the following words should be added at the end of paragraph 6: "and takes note of the statements of the joint international observer group regarding the polling and counting processes of the elections".

46. Having emphasized the contribution made by various countries, particularly those of South-East Asia, she said her delegation hoped that the draft resolution would be adopted by consensus.

Draft resolution A/C.3/53/L.49: The human genome and human rights

47. **Mr. Doutriaux** (France), introducing draft resolution A/C.3/53/L.49, said that the Bahamas, Belize, Croatia, Ghana, Honduras, Iraq, Luxembourg, Panama, Thailand and the former Yugoslav Republic of Macedonia wished to join the sponsors of the draft resolution.

48. The adoption of the draft resolution by the General Assembly would demonstrate the importance accorded in the political arena to the implications of the most recent scientific progress in the field of genetic engineering, broaden the consensus which had already emerged on the matter within the international community, thus reinforcing the universal nature of the UNESCO Declaration, and emphasize the need to work together to meet the challenges in a field which touched upon the protection of human rights.

49. It was vital that the international community should reach a greater understanding of the moral implications of genetic engineering and continue its efforts to arrive at a common response, built on consensus, to the ethical problems raised by scientific progress.

50. His delegation hoped that the draft resolution would be adopted by consensus.

51. **Mr. Al-Hariri** (Syrian Arab Republic) said that the Arabic version contained an error in the title of the draft resolution.

52. **The Chairman** said that Burundi, Djibouti, Nepal, Sierra Leone, Slovakia and Tunisia also wished to sponsor the draft resolution.

Action on draft resolutions

Draft resolution A/C.3/53/L.33: Human rights and unilateral coercive measures

53. **The Chairman** invited the Committee to take action on draft resolution A/C.3/53/L.33, which had no programme budget implications.

54. **Mr. Mofokeng** (South Africa) said that China had joined the sponsors.

55. *A recorded vote was taken.*

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, San Marino, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Armenia, Azerbaijan, Cyprus, Jordan, Kazakhstan, Kyrgyzstan, Malta, Marshall Islands, Ukraine, Uzbekistan.

56. *Draft resolution A/C.3/53/L.33 was adopted by 104 votes to 44, with 10 abstentions.*[*]

57. **Ms. Faetanini** (San Marino) said that the electronic voting machine had not correctly registered the fact that her delegation had voted against the draft resolution.

Draft resolution A/C.3/53/L.40: Human rights and extreme poverty

58. **The Chairman** said that the draft resolution had no programme budget implications. At the time of its introduction, Benin, Bhutan, Burkina Faso, Burundi, Cameroon, China, Croatia, Cyprus, Ethiopia, Guinea, Guinea-Bissau, Italy, Japan, Mali, Nepal, Pakistan, Portugal, Sierra Leone and Ukraine had become sponsors, and Comoros, the Democratic Republic of the Congo, Egypt, Equatorial Guinea, Eritrea, Liberia, Malawi, Mauritania, Nigeria, Senegal and Uganda wished to do so.

59. **Mr. Chuquihuara** (Peru) said that Indonesia and Tunisia had also become sponsors of the draft.

60. *Draft resolution A/C.3/53/L.40 was adopted without a vote.*

Draft resolution A/C.3/53/L.46: Question of enforced or involuntary disappearances

61. **The Chairman** said that the draft resolution had no programme budget implications. At the time of its introduction, Cuba, Hungary, Iceland, Latvia, Portugal, the Republic of Moldova, Senegal, Sweden and the United States of America had become sponsors, and Benin, Comoros, New Zealand, the Niger and Romania wished to do so.

62. **Ms. de Carné de Trécesson** (France) said that Liechtenstein and the former Yugoslav Republic of Macedonia had become sponsors of the draft.

63. *Draft resolution A/C.3/53/L.46 was adopted.*

Draft resolution A/C.3/53/L.50: United Nations Decade for Human Rights Education, 1995–2004, and public information activities in the field of human rights

64. **The Chairman** said that the draft resolution had no programme budget implications. At the time of its introduction, Austria, Benin, Botswana, Burundi, Côte d'Ivoire, Guinea, the Philippines, the Russian Federation, Togo, Ukraine and Venezuela had become sponsors, and Antigua and Barbuda, Burkina Faso, the Democratic Republic of the Congo, El Salvador, Equatorial Guinea, the Federated States of Micronesia, France, Ghana, Guinea-Bissau, India, Indonesia, Madagascar, Malawi, Nepal, Peru, Rwanda, Senegal, Sierra Leone and Suriname wished to do so.

65. **Ms. de Wet** (Namibia) said that Argentina, Cameroon and Finland had also become sponsors.

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/53/L.38, L.43, L.51, L.60 and L.61)

Draft resolution A/C.3/53/L.60: Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

66. **Mr. Carle** (United States of America), introducing the draft resolution, said that Australia, Denmark, Germany, Greece, Iceland, Ireland, Liechtenstein, Norway, Slovakia and Sweden had become sponsors of the draft resolution and that amendments had been made to the draft. At the end of the seventh preambular paragraph the words "the former Yugoslavia" should be replaced by "the region", and in paragraph 42 the words "in the former Yugoslavia" should be replaced by "in the Federal Republic of Yugoslavia (Serbia and Montenegro)". Furthermore, the word "greater" in paragraph 25 of the draft should be replaced by "additional".

67. The draft resolution was only one of the long-term efforts made by the United Nations in order to help Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to emerge from years of war and to develop democratic and tolerant civil societies with full respect for international human rights standards.

68. However, the situation of human rights varied from one country to another, as did the steps taken by their Governments in order to meet their obligations under the Dayton Agreement. While there had been some progress in Bosnia and Herzegovina and Croatia, the situation in the Federal Republic of Yugoslavia had worsened in some respects.

69. The Governments of those three countries were responsible for creating an atmosphere conducive to the

[*] The delegation of Niger subsequently informed the Committee that it had intended to vote in favour of the draft resolution.

voluntary return of their minority populations. In September 1998, Bosnia and Herzegovina had held elections that had demonstrated a move towards pluralism, and the Government was endeavouring to restructure its police forces. However, it should accelerate the reintegration process and the creation of a multi-ethnic police force that would enhance public security and encourage the return of minority populations. Croatia had assumed control of Eastern Slavonia and was working to bring its legislation into line with international standards, but it still needed to implement rapidly its new refugee return programme. Although there were still problems with respect to the Republika Srpska, both Bosnia and Herzegovina and the Republic of Croatia, unlike the Federal Republic of Yugoslavia, had increased their cooperation with the International Tribunal for the Former Yugoslavia.

70. However, the problems concerning internationally recognized standards of human rights were the most immediate. Freedom of speech and of assembly remained underprotected in the Republic of Croatia, the return of its Serbian residents was not proceeding at an acceptable pace and progress towards democracy was slow. Bosnia and Herzegovina, for its part, should facilitate the return of refugees. As to the Federal Republic of Yugoslavia, its Government's actions in Kosovo were so egregious that they had warranted the introduction of a separate resolution. The authorities of that country had used excessive force against the civilian Albanian population and had refused to implement the Dayton Agreement. The Federal Republic of Yugoslavia and the Republika Srpska continued to harbour war criminals and refused to cooperate with the Tribunal. The Federal Republic of Yugoslavia had also attacked the freedom of academics and of the media.

71. Lastly, he noted that the Federal Republic of Yugoslavia (Serbia and Montenegro) was not the successor State to the former Socialist Federal Republic of Yugoslavia. Other republics which had emerged from that State had become Members of the United Nations, and the steps necessary to do so were clear.

72. **Mr. Bhatti** (Pakistan) said that Pakistan wished to become a sponsor of the draft resolution.

73. **The Chairman** said that Estonia had also become a sponsor.

Draft resolution A/C.3/53/L.38: Situation of human rights in the Islamic Republic of Iran

74. **The Chairman** said that draft resolution A/C.3/53/L.38 had no programme budget implications and invited the Committee to vote on it.

75. **Mr. Garcia** (El Salvador), speaking in explanation of vote before the vote, said that his Government shared many of the concerns which the representative of Austria had expressed on behalf of the European Union when introducing the draft resolution. In particular, he was concerned at the discrimination against religious minorities and the persecution of Baha'is. However, since the Government of the Islamic Republic of Iran had undertaken a major process of domestic reform intended to promote human rights, he would abstain from voting in order to encourage Iranian society and the Iranian Government in their endeavours to remove all obstacles to the exercise of human rights and fundamental freedoms, the consolidation of democracy and the achievement of national reconciliation as quickly as possible.

76. **Ms. Mekhemar** (Egypt) said that, generally speaking, it was undesirable to politicize human rights issues, consideration of which should be based on three major principles: non-interference in the internal affairs of States, refusal to use human rights as a means of pressure or coercion and the display of objectivity and respect for cultural differences. Furthermore, she noted that capital punishment, mentioned in paragraph 11 of the draft, was not prohibited under international law, as seen from article 6 of the International Covenant on Civil and Political Rights; it was recognized by the Sharia, there was no consensus on its repeal and the issue was one to be settled under the domestic legislation of individual States.

77. **Mr. Bhatti** (Pakistan) said that human rights should not be used to put pressure on States, nor should double standards be applied in considering the human rights situation in different countries. The general view was that the situation of human rights in the Islamic Republic of Iran had improved considerably. Existing mechanisms and procedures for the protection of human rights had been strengthened and the Government was taking new measures in that respect. His delegation would vote against the draft resolution, which did not fully reflect such progress.

78. **Ms. Ibrahim** (Sudan) denounced the international community's selectivity and lack of objectivity when it considered the situation of human rights in various countries, as well as the pressure it put on States in the name of human rights. Her delegation could not accept paragraph 11 of the draft resolution, since international law did not prohibit capital punishment, which was recognized under Sharia law and other legal systems. She would therefore vote against the draft resolution.

79. **Mr. Rabuka** (Fiji) said that, since his country ascribed great importance to the principle of non-interference in the domestic affairs of States, it would abstain during the voting.

80. **Mr. Alaii** (Islamic Republic of Iran) said that, contrary to the impression that the draft resolution might give, the situation of human rights in the Islamic Republic of Iran had improved considerably. In keeping with the tenets of Islam and the values of Iranian civilization, his Government had undertaken to further strengthen national institutions for the protection and promotion of human rights and fundamental freedoms, involve civil society in the political life of the country, promote the advancement of women and ensure respect for the rule of law in the administration of justice and in other areas. The draft resolution, which played down all those positive developments and disregarded in particular the importance of the internal and indigenous mechanism for the protection and promotion of human rights, was not constructive and was counter-productive.

81. His delegation had tried to work with the sponsors of the draft resolution in order to produce a consensus text. In that regard, it had put forward practical proposals that would do away with old and outdated mindsets and pave the way for innovative approaches. Although those efforts had not been successful, his Government would nevertheless resolutely continue its efforts to promote human rights in the country in accordance with Iranian values and culture and with its determination to improve the living conditions of the Iranian people.

82. While the promotion of human rights was a noble objective, using human rights for political purposes was deplorable. Draft resolution A/C.3/53/L.38, which tended to favour the political interests of certain countries at the expense of purely human rights considerations, and disregarded the improvements in the situation of human rights in the Islamic Republic of Iran and the cooperation of the Iranian Government, was unacceptable. He therefore invited members of the Committee to vote against the draft resolution.

83. *A recorded vote was taken on draft resolution A/C.3/53/L.38.*

In favour:

Algeria, Andorra, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Romania, Russian Federation, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against:

Afghanistan, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, India, Indonesia, Iran (Islamic Republic of), Kuwait, Libyan Arab Jamahiriya, Malaysia, Maldives, Morocco, Myanmar, Oman, Pakistan, Philippines, Qatar, Saudi Arabia, Sierra Leone, Sri Lanka, Sudan, Syrian Arab Republic, Turkmenistan, Viet Nam, Zambia, Zimbabwe.

Abstaining:

Albania, Angola, Antigua and Barbuda, Bhutan, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Colombia, Côte d'Ivoire, Cyprus, Djibouti, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Guinea, Guyana, Jamaica, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Madagascar, Mali, Mauritania, Mexico, Mozambique, Namibia, Nepal, Nicaragua, Niger, Nigeria, Papua New Guinea, Republic of Korea, Republic of Moldova, Saint Lucia, Senegal, Singapore, South Africa, Suriname, Swaziland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay.

84. *Draft resolution A/C.3/53/L.38 was adopted by 63 votes to 35, with 60 abstentions.*

85. **Mr. Sepelev** (Russian Federation), speaking in explanation of vote after the voting, said that given the unquestionable improvement in the situation of human rights in the Islamic Republic of Iran, the draft resolution on the matter should have been adopted by consensus. He hoped, however, that the sponsors of the text would intensify their consultations aimed at reaching a consensus at the forthcoming session of the Commission on Human Rights in order to settle that issue.

86. **Mr. Cordeiro** (Brazil) said that his delegation shared a number of the concerns expressed in the draft resolution,

including those relating to discrimination against religious minorities and persecution against the Baha'is, and had voted in favour of the draft resolution. However, it recognized that the situation of human rights in the Islamic Republic of Iran had improved in recent years, as noted by the Special Representative of the Commission on Human Rights (A/53/423), and it encouraged the Iranian Government to continue its efforts, especially as far as religious minorities were concerned.

Draft resolution A/C.3/53/L.43: Human rights in Haiti

87. **The Chairman**, noting that the draft resolution contained no programme budget implications, said that, at the time of its introduction, the delegations of Australia, Belgium, Belize, Brazil, Denmark, the Dominican Republic, Hungary, Iceland, Israel, Saint Lucia and Trinidad and Tobago had also become sponsors.

88. **Ms. Newell** (Secretary of the Committee) read out the oral revisions made by the representative of Venezuela to the text of the draft resolution. In the eleventh preambular paragraph, the phrase "be able to express their wishes fully through free, honest and transparent elections" should be replaced by the phrase "be able to fully express their will through free, fair and transparent elections". In the first line of operative paragraph 5, the word "statement" should be replaced by the word "stalemate".

89. **Ms. Di Felice** (Venezuela) announced that Nicaragua had become a sponsor of the draft resolution.

90. *Draft resolution A/C.3/53/L.43, as orally revised, was adopted without a vote.*

91. **Ms. Romulus** (Haiti) said that, as noted by the independent expert of the Commission on Human Rights on the situation of human rights in Haiti (A/53/355), the human rights situation had been improving for some years in her country. However, much still remained to be done and Haiti counted on the cooperation of the international community to address the legitimate demands of the Haitian people. She thanked all the sponsors of the draft resolution, especially Venezuela, for their support and steadfast commitment to the Haitian cause.

Draft resolution A/C.3/53/L.51: Situation of human rights in Nigeria

92. **The Chairman** informed the Committee that the draft resolution contained no programme budget implications.

93. *Draft resolution A/C.3/53/L.51 was adopted without a vote.*

Draft resolution A/C.3/53/L.61: Situation of human rights in Kosovo

94. **The Chairman**, noting that the draft resolution contained no programme budget implications, said that at the time of its introduction, Croatia, Iceland and the United Arab Emirates had also become sponsors.

95. **Ms. Newell** (Secretary of the Committee) read out the oral revisions that had been made to the draft resolution by the United States representative when it had been introduced. Paragraph 14 (c) should be replaced with the following: "To allow complete, unimpeded access for the International Tribunal for the former Yugoslavia and its forensic experts to Kosovo, to examine the recently alleged atrocities against civilians;". In the second line of paragraph 32, the phrase "in the territory of the former Yugoslavia" should be replaced by the phrase "in the territories of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)".

96. **Mr. Kuehl** (United States of America) announced that New Zealand had become a sponsor of the draft resolution. The sponsors of the draft resolution had paid careful attention to its wording. The word "self-governance" in paragraph 16 of the English version of the draft resolution was a case in point. Its translation into French and Spanish was not accurate. He proposed that, in the French version, the phrase "de favoriser la création d'une administration autonome véritablement démocratique au Kosovo" should be replaced by the phrase "la création d'une auto-gouvernance véritablement démocratique au Kosovo". In the Spanish version, the phrase "el establecimiento de un autogobierno verdaderamente democrático" should be replaced by the phrase "el establecimiento de una autogobernabilidad verdaderamente democrática". The translation into the Organization's other official languages was closer to the English term and did not pose any problems.

97. **Mr. Le Blet** (France) said that he was not fully satisfied with the translation proposed by the United States representative and would later contact the Secretariat in that regard.

98. **Mr. Arda** (Turkey) said that, since the early 1990s, his country, as a Balkan State, had been closely following developments ensuing from the disintegration of the Socialist Federal Republic of Yugoslavia. From the onset of the massacres committed by the Serbs in Bosnia and Herzegovina, his Government had done its utmost to motivate the international community to find a rapid solution to the conflict. Unfortunately, during the three-year period of conflict, many had merely looked on, comforting

themselves with the idea that their countries had provided military personnel to the United Nations for the defence of the victims. His delegation feared that the international community might show the same indifference towards Kosovo as it had towards Bosnia and Herzegovina and that history would repeat itself.

99. His delegation had participated actively in the negotiations on the draft resolution. It had made every effort to make the draft resolution as realistic as possible by clearly exposing the nature of the conflict — which was but the continuation of the ethnic cleansing operation begun by the Serbs in Bosnia and Herzegovina — and had also attempted to make the voice of the people of Kosovo heard.

100. Unfortunately, his delegation had not achieved its objectives and believed that the international community had missed an opportunity to send a clear and strong message to the Serbs. In that connection, paragraphs 7 and 16 of the draft resolution had serious shortcomings and, in paragraph 9, the condemnation of violence by armed ethnic Albanian groups concealed the actual nature of the violence committed in Kosovo, which was attributable to the policy of the Belgrade Government. Had there been a separate vote on those three paragraphs, his delegation would have voted against them. As that had not been the case, it preferred, in a spirit of compromise, to join the consensus.

101. **Mr. Sepelev** (Russian Federation) said that his delegation could not join the consensus referred to by the representative of Turkey and requested a recorded vote on the draft resolution.

102. **Mr. Spirollari** (Albania) said that he would explain his delegation's position before the General Assembly voted on the draft resolution in plenary meeting.

103. *A recorded vote was taken on draft resolution A/C.3/53/L.61.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Canada, Cape Verde, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Poland, Portugal, Qatar, Republic of Korea, Romania, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sudan, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Zambia.

Against:

Belarus, India, Russian Federation.

Abstaining:

Benin, Bhutan, Botswana, Burkina Faso, Burundi, Cameroon, Central African Republic, China, Colombia, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Eritrea, Ethiopia, Ghana, Guinea, Jamaica, Lao People's Democratic Republic, Madagascar, Mozambique, Myanmar, Namibia, Nepal, Peru, Philippines, Republic of Moldova, Singapore, Sri Lanka, The former Yugoslav Republic of Macedonia, Uganda, Ukraine, United Republic of Tanzania, Venezuela, Zimbabwe.

104. *Draft resolution A/C.3/53/L.61 was adopted by 115 votes to 3, with 34 abstentions.*

105. **Mr. Sepelev** (Russian Federation) said that his delegation had voted against the draft resolution because it discussed the human rights situation in Kosovo without ever expressly recognizing that Kosovo was part of the Federal Republic of Yugoslavia. His delegation had also voted against it in the belief that the draft resolution should promote universal respect for human rights rather than aggravate, if only indirectly, the violence committed in Kosovo, by whichever side, or, worse still, support any idea of separatism.

106. His delegation welcomed the constructive approach taken by the European Union with regard to the draft resolution and the atmosphere of transparency and cooperation which the sponsors had created. The amendments proposed by the European Union had considerably improved the draft resolution by making it more balanced and more objective. His delegation would have supported them had they been incorporated in a draft resolution concerning the Federal Republic of Yugoslavia;

since they had been incorporated in a draft resolution concerning Kosovo alone, it had abstained.

107. **Mr. Chuquihuara** (Peru) said that his country had abstained in the voting because the draft resolution did not expressly recognize that Kosovo was part of the sovereign State of the Federal Republic of Yugoslavia.

108. **Mr. Ren Yisheng** (China) and **Mr. Mukhopadhaya** (India) said that they would explain their delegations' positions when the General Assembly voted on the draft resolution in plenary meeting.

109. **Ms. Di Felice** (Venezuela) said that her delegation had abstained in the voting because, like the delegations of the Russian Federation and Peru, it believed that the draft resolution dealt with the human rights situation in Kosovo as if the latter were not part of a sovereign State. It would have voted otherwise, had the question been addressed in the framework of a draft resolution concerning the territory of the Federal Republic of Yugoslavia.

110. **Ms. Riederer** (Austria), speaking on behalf of the European Union, welcomed the adoption of the draft resolution, which all members of the European Union had sponsored. Nonetheless, the name of the Federal Republic of Yugoslavia should not be followed by the names in parentheses.

Agenda item 104: Implementation of the outcome of the Fourth World Conference on Women (*continued*) (A/C.3/53/L.27)

Draft resolution A/C.3/53/L.27: Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action

111. **Ms. Newell** (Secretary of the Committee) said that, according to a memo she had received from the Programme Planning and Budget Division, the cost of the activities outlined in paragraph 41 of the draft resolution would amount to approximately $630,000–$480,000 in 1999 and $150,000 in the year 2000. The requirements for 1999 would be met from extrabudgetary resources and there would thus not be any additional requirements arising under the programme budget for the biennium 1998–1999. Requirements for the year 2000 would be reflected in the proposed programme budget for the biennium 2000–2001, which would be submitted to the General Assembly for adoption at its fifty-fourth session.

112. With regard to the human and financial resources requested in paragraph 27 of the draft resolution, the Programme Planning and Budget Division drew the Committee's attention to General Assembly resolution 45/248, Part B, section VI, in which the Assembly had reaffirmed that the Fifth Committee was the appropriate Main Committee entrusted with responsibilities for administrative and budgetary matters; expressed concern at the tendency of its substantive Committees and other intergovernmental bodies to involve themselves in administrative and budgetary matters; and invited the Secretary-General to provide all intergovernmental bodies with the required information regarding procedures for administrative and budgetary matters.

113. *Draft resolution A/C.3/53/L.27 was adopted without a vote.*

114. **The Chairman** said that the Committee had thus concluded its consideration of agenda item 104.

The meeting rose at 6.20 p.m.

United Nations A/C.3/53/SR.50

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Summary record of the 50th meeting
Held at Headquarters, New York, on Thursday, 19 November 1998, at 3 p.m.

Chairman: Mr. Hachani ..... (Tunisia)

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98-83569 (E)

The meeting was called to order at 3.30 p.m.

Agenda item 105: Report of the United Nations High Commissioner for Refugees: questions relating to refugees and displaced persons and humanitarian questions (*continued*) (A/C.3/53/L.53)

1. **The Chairman** drew the Committee's attention to a letter dated 18 November 1998 from the Chairman of the Fifth Committee addressed to the President of the General Assembly following a decision taken by the Third Committee. He urged members of the Third Committee to consider its contents carefully, in order to avoid taking any decisions in future that might be interpreted as calling into question the powers of another Committee, and to abide by resolutions adopted by the plenary Assembly.

Draft resolution A/C.3/53/L.53: Assistance to refugees, returnees and displaced persons in Africa

2. **The Chairman** invited the Committee to take action on draft resolution A/C.3/53/L.53, which had no programme budget implications. He recalled that, at the time of its introduction, Yemen had become a sponsor.

3. **Mr. Kapazata** (United Republic of Tanzania) said that some revisions had been made to the draft resolution. In the third preambular paragraph, the words "to take steps" should be deleted. Paragraph 3 should read: "Calls upon all States and international organizations, within their mandates, to ensure that the civilian and humanitarian nature of refugee camps is not compromised by the presence or activities of armed elements;". Paragraph 15 should read: "Calls upon the Office of the United Nations High Commissioner for Refugees, the Organization of African Unity, subregional organizations and all African States to continue to work closely in identifying solutions to all outstanding refugee problems;". Paragraph 22 should read: "Calls upon the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure affected by refugees in countries of asylum;". Paragraph 23 should read: "Requests all Governments and intergovernmental and non-governmental organizations to pay particular attention to meeting the special needs of refugee women and children and displaced persons, including those with special protection needs;".

4. *Draft resolution A/C.3/53/L.53, as orally revised, was adopted without a vote.*

5. **The Chairman** announced that the Committee had concluded its consideration of agenda item 105.

Agenda item 110: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/53/L.35, L.39, L.41, L.49, L.57 and L.58)

Draft resolution A/C.3/53/L.57: Enhancement of international cooperation in the field of human rights

6. **Mr. Mofobeng** (South Africa), introducing draft resolution A/C.3/53/L.57 on behalf of the States Members of the United Nations that were members of the Movement of Non-Aligned Countries and also China, drew attention to the third preambular paragraph and paragraph 3 of the draft resolution, which stressed the need to enhance international cooperation in order to ensure the promotion and protection of human rights. The Movement of Non-Aligned Countries and China hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/53/L.58: Right to development

7. **Mr. Mofobeng** (South Africa), introducing draft resolution A/C.3/53/L.58 on behalf of the States Members of the United Nations that were members of the Movement of Non-Aligned Countries, and also China, recalled that article 25, paragraph 1, of the Universal Declaration of Human Rights stated that everyone had the right to a standard of living adequate for the health and well-being of himself and his family. Fifty years on, however, there were still over a billion people living in poverty. Democracy, development and respect for all human rights, including the right to development, were interdependent. All those rights, especially the right to development, should be put at the top of the list of global priorities.

8. The Movement of Non-Aligned Countries and China deplored the proliferation of documents concerning informal negotiations on the right to development and hoped that the draft resolution would be adopted by consensus.

Draft resolution A/C.3/53/L.35: Strengthening of the rule of law

9. **The Chairman** invited the Committee to take action on draft resolution A/C.3/53/L.35, which had no programme budget implications. He recalled that, at the time of its introduction, Guinea-Bissau and Senegal had become sponsors.

10. **Ms. Nicodemos** (Brazil) said that, following consultations, paragraph 6 of the draft resolution had been revised to read: "*Welcomes* the deepening of the ongoing

cooperation between the United Nations High Commissioner for Human Rights and other relevant bodies and programmes of the United Nations system with a view to enhancing system-wide coordination of assistance in human rights, democracy and the rule of law and, in this context, takes note of the cooperation between the United Nations Development Programme (UNDP) and the United Nations High Commissioner for Human Rights in providing technical assistance at the request of States in the promotion of the rule of law". Her delegation hoped that the draft resolution, as orally revised, would be adopted by consensus, as it had happened the previous year.

11. **The Chairman** announced that the Central African Republic, the Congo, Sierra Leone, Suriname and Swaziland had become sponsors of the draft resolution.

12. *Draft resolution A/C.3/53/L.35, as orally revised, was adopted without a vote.*

Draft resolution A/C.3/53/L.39: Situation of human rights in Cambodia

13. **The Chairman** said that draft resolution A/C.3/53/L.39 had no programme budget implications and recalled that, at the time of its introduction, Belgium, Costa Rica, Denmark, Germany, Latvia, Liechtenstein and Portugal had become sponsors.

14. **Ms. Newell** (Secretary) noted that, in introducing the draft resolution, the representative of Australia had made a number of oral revisions to the text. Accordingly, paragraph 4 should end with the words "of the elections" and the remainder of the paragraph should be deleted. The following new paragraph 5 should be added:

> "*Notes* that the elections demonstrated the clear desire of the Cambodian people for democracy, *stresses* the need for the constructive engagement of all parties in order to fulfil the objective of the elections, the formation of an elected, constitutional government, and, in this context, welcomes the agreement reached between political parties to convene the national assembly and to establish a coalition government;".

Lastly, the following phrase should be added at the end of paragraph 6: "and *takes note* of the statements of the joint international observer group regarding the polling and counting processes of the elections".

15. **Ms. Kerr** (Australia) announced that France and Greece had become sponsors.

16. *Draft resolution A/C.3/53/L.39, as orally revised, was adopted without a vote.*

Draft resolution A/C.3/53/L.41: Extrajudicial, summary or arbitrary executions

17. **The Chairman** said that draft resolution A/C.3/53/L.41 had no programme budget implications and recalled that at the time of its introduction, Croatia, Monaco, Panama and Ukraine had become sponsors.

18. **Mr. Schalin** (Finland) announced that Cape Verde and Malta had become sponsors. The draft resolution had been revised, so that the sixth preambular paragraph now read:

> "Recalling, in this fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide, article 6 of the Convention, and acknowledging in this context the historic significance of the adoption of the Rome Statute of the International Criminal Court;".

In the seventh preambular paragraph, the phrase "of non-combatants, carried out in cases of armed conflict not of an international character" had been deleted. His delegation hoped that the draft resolution would be adopted without a vote.

19. **Ms. Martinez** (Ecuador) said that her delegation supported the draft resolution but had not wished to become a sponsor.

20. **Mr. Nikiforov** (Russian Federation) noted that the Russian version had been issued without a title.

21. **The Chairman** noted that that was also the case for the French version.

22. **Mr. Beyendeza** (Uganda) said that his country wished to become a sponsor.

23. *Draft resolution A/C.3/53/L.41, as orally revised, was adopted without a vote.*

24. **Ms. Alvarez** (United States of America) said that her delegation had joined in the consensus on the draft resolution but dissociated itself from the references to the death penalty. While international law restricted the imposition of capital punishment to the most serious crimes and required that due process be observed, it did not prohibit it. The International Covenant on Civil and Political Rights explicitly recognized the right of States to impose the death penalty in accordance with their laws and with international standards. Capital punishment was a sensitive issue that was the subject of an ongoing debate in the United States and on which there was no consensus at the international level. The draft resolution attempted to further restrict the use of capital punishment by imposing the Human Rights Committee's interpretation of article 6 of the International Covenant on Civil and Political Rights, and of the Second Optional

Protocol thereto. On signing and ratifying the Covenant, the United States had formulated reservations with regard to article 6. Moreover, not being a party to the Second Optional Protocol, it did not accept the implication in the draft resolution that States that were not parties to the Protocol were bound by its provisions.

Draft resolution A/C.3/53/L.49: The human genome and human rights

25. **The Chairman** said that the draft resolution had no programme budget implications and recalled that, at the time of its introduction, the Bahamas, Belize, Burundi, Croatia, Djibouti, Ghana, Honduras, Iraq, Luxembourg, Nepal, Panama, Sierra Leone, Slovakia, Thailand, The former Yugoslav Republic of Macedonia and Tunisia had become sponsors. El Salvador, Equatorial Guinea and Haiti now also wished to become sponsors.

26. **Ms. de Carné de Trécesson** (France) said that Ukraine also wished to sponsor the draft resolution.

27. *Draft resolution A/C.3/53/L.49 was adopted without a vote.*

28. **Mr. Ball** (New Zealand), speaking in explanation of position, said that his delegation fully supported the general purposes and principles of the Universal Declaration on the Human Genome and Human Rights, adopted in November 1997 by UNESCO, and had therefore joined in the consensus on the draft resolution. He wished to point out, however, that the Declaration had encountered certain reservations and it was therefore not desirable that decisions and resolutions of the specialized agencies should be submitted directly to the General Assembly for adoption. He reiterated the concerns voiced by the New Zealand delegation with respect to the Declaration in November 1997 at UNESCO, to the effect that, since the Declaration had been adopted in haste, the delegation had not had time to consider its provisions carefully and had been unable to conduct all the consultations that it would have wished, in particular with the Maori people; that the Declaration made no reference to or referred too superficially to certain matters, notably cultural questions, intellectual property issues and the whole question of the application of the results of recent genetic research; and that UNESCO and the International Bioethics Committee should therefore devote all necessary attention to its follow-up.

29. **Mr. Plorutti** (Argentina) said that his delegation's statement at the meeting of the UNESCO General Conference in November 1997 applied equally to the resolution which the Third Committee had just adopted. Far from closing the debate on the potential ethical implications of scientific and technological progress, the Universal Declaration on the Human Genome and Human Rights was simply a starting point for that debate; it was, moreover, its awareness of the need for vigilance in that area which had led UNESCO to adopt the Declaration. His delegation wished to thank the French delegation for its tireless efforts to reach a consensus, which had made it possible to adopt draft resolution A/C.3/53/L.49 without a vote.

30. **Ms. Sutherland** (Australia) said that the international community must take a position on the question of the ethical implications of research on the human genome. Australia was therefore grateful to UNESCO for having drafted the Universal Declaration on the Human Genome and Human Rights, which it fully supported notwithstanding its limitations, but believed that the questions raised by genetic research were more far-reaching than those addressed in the Declaration and needed to be studied in greater depth at the national and international levels. In Australia, those questions were currently the subject of great debate, both in civil society and in Parliament, and her Government had yet to take a position on the matter. Australia would reserve its judgement on the content of the Declaration until the Government had determined its position.

31. **Mr. Felten** (Germany) said that Germany had been very actively involved from the outset in the UNESCO debate on the Declaration and that, in Germany itself, the issues dealt with in the Declaration were the subject of very serious debate in Parliament and civil society. At its most recent session, the Bundestag had discussed the adoption and implementation of the European Convention on Human Rights and Biomedicine, which took up some of the issues dealt with in the Declaration and addressed them in similar terms, but it had been unable to conclude its debate because of the 27 September 1998 elections. Germany was thus unable to take a position as yet on the implementation of the Declaration.

32. **Ms. McVey** (Canada) said that Canada, which had participated actively in recent years in the drafting of the Declaration, supported the draft resolution which had just been adopted because it believed that scientific and technological research must be based on principles which conformed to those of the international human rights covenants and treaties.

33. There had already been considerable progress since the adoption of the Declaration. The ad hoc working group, which had met in Paris from 25 to 27 March 1998, had adopted the revised statute of the International Bioethics Committee and the mandate of the new Intergovernmental Committee, which aimed to enable more member States and

groups from their civil societies to participate in the work of those bodies. Since then, both documents had been formally adopted and the International Bioethics Committee had decided to meet in the Netherlands from 2 to 4 December 1998. Moreover, at its most recent meeting, held in October, the UNESCO Executive Board had elected the members of the new Intergovernmental Committee, which included Canada, and the mechanism for the Declaration's application agreed by the UNESCO General Conference had begun to be put in place within the specified time-frame. Canada wished to take the opportunity to reiterate its readiness to work with the other members of the Intergovernmental Committee to ensure that the complex questions facing the international community in the field of bioethics received the attention they merited.

Agenda item 110 (c): Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/53/L.28, L.29, L.47, L.59 and L.60)

Draft resolution A/C.3/53/L.28: Situation of human rights in Rwanda

34. **Mr. Kayanimura** (Rwanda), introducing draft resolution A/C.3/53/L.28, said that the establishment of a culture of human rights, towards which his Government was working, would prevent a repetition of the genocide which had taken place in Rwanda. The draft resolution sought to mobilize the support of the international community for the lasting promotion of human rights institutions in Rwanda, such as the National Human Rights Commission established by his Government. Support not necessarily financial support, was sought in such priority areas as the training of national human rights monitors, the initiation of human rights education programmes and the provision of assistance to the National Human Rights Commission, as set out in paragraph 18 of the report of the Special Representative of the Commission on Human Rights (A/53/402). The comments made by the United Nations High Commissioner for Human Rights on the situation in Rwanda, the main conclusions and recommendations contained in Supplement No. 3 of the Official Records of the Economic and Social Council for 1998 (E/1998/23) and the conclusions of the Special Representative of the Commission on Human Rights for Rwanda (A/53/402) were particularly encouraging. His delegation hoped that the draft resolution would be adopted by consensus.

35. He was aware that another draft resolution on the same subject was to be presented to the Committee. He recalled that, during the debate on human rights questions, his delegation had announced that it would be presenting a draft resolution. The informal consultations initiated with the sponsors of the other draft resolution had yet to produce a compromise. If they were successful, however, it would be possible to present a single draft resolution.

Draft resolution A/C.3/53/L.29: Situation of human rights in Rwanda

36. **Mr. Hynes** (Canada), introducing draft resolution A/C.3/53/L.29, said that the following countries had become sponsors: Austria, Belgium, Chile, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Japan, Lithuania, Monaco, New Zealand, Portugal, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

37. He noted that, since 1994, the international community, through the resolutions of the Commission on Human Rights and of the General Assembly, had demonstrated its solidarity with the Rwandan people by condemning the genocide and the crimes against humanity committed in that country and by organizing assistance for the Rwandans to enable them to deal with the tragic consequences of those events. Taking those earlier resolutions, all of which had been adopted by consensus, as a basis, the sponsors of the current draft resolution had three goals: to evaluate the action taken by the Rwandan Government, the Commission on Human Rights and other interested parties to help establish a society based on respect for human rights and fundamental freedoms; to echo the concern of the General Assembly at the continuing violations of human rights and international humanitarian law in Rwanda, as recounted in the reports of the Special Representative of the Commission on Human Rights and the Human Rights Field Operation in Rwanda; and to suggest measures for improving the human rights situation and the capacity of the Rwandan Government to fulfil its obligations in that area.

38. Progress had been made in some areas, such as the activities of the International Tribunal for Rwanda, investigations into extrajudicial executions carried out by members of the security forces, strengthening of the legal guarantees offered to individuals accused of genocide and the decision of the Government of Rwanda to set up a National Human Rights Commission. However, the sponsors of the resolution were particularly concerned by the withdrawal of the Human Rights Field Operation in Rwanda, as the Government and the Office of the High Commissioner for Human Rights had been unable to reach agreement on a new mandate.

39. The sponsors, who had sought bilateral talks with the Rwandan delegation before holding any open consultations,

had noted with regret that the Rwandan delegation had decided to submit its own draft resolution without informing them. Nevertheless, the consultations which had taken place had resulted in a new draft (A/C.3/53/L.29/Rev.1) submitted by the sponsors which represented a synthesis of important compromises agreed to by all the parties. Disagreements persisted on some elements, and it was to be hoped that the ongoing consultations would lead to consensus before the end of the session.

40. **Mr. Busacca** (Italy) said that his delegation had joined the sponsors of the draft resolution.

41. **Mr. Ndiaye** (Senegal) said that the submission of two draft resolutions on the situation of human rights in Rwanda placed some delegations, African delegations in particular, in a difficult position. He hoped that the ongoing consultations would arrive at a consensus draft. His delegation would like to know whether draft resolution A/C.3/53/L.29/Rev.1 expressed a convergence of views between the Rwandan and Canadian delegations and whether, in the absence of a consensus, the Committee could decide on two draft resolutions concerning the situation of human rights in a single country.

42. **The Chairman** said that he was aware of the problem and had asked one of the Vice-Chairmen to conduct consultations with the delegations concerned in an attempt to arrive at a compromise text. Although the points of view had come closer, disagreements remained; therefore consensus was not expected. It was for the parties themselves to indicate whether draft resolution A/C.3/53/L.29/Rev.1 represented their positions. If circumstances required, the Chairman and the Secretariat would inform the members of the Committee of the procedure to be followed when the Committee had before it more than one draft resolution on the same subject.

43. **Mr. Hynes** (Canada), in reply to the delegation of Senegal, said that draft resolution A/C.3/53/L.29/Rev.1 was a compromise text, with the exception of two paragraphs, paragraphs 3 and 17, which were still under discussion.

44. **Mr. Kayinamura** (Rwanda) said that he objected to the statement by the delegation of Canada that Rwanda had decided to submit a draft resolution without informing anyone. From the beginning of the discussions, his delegation had announced that it would submit a draft resolution on the situation of human rights in Rwanda based on the resolution set out in document A/53/402, well before the Canadian delegation had drafted its own version. The draft submitted by the Canadian delegation, and two of its paragraphs in particular, did not in fact represent a consensus. It was to be hoped that the ongoing consultations would lead to the adoption of a single text.

45. **Mr. Wenaweser** (Liechtenstein) said that his delegation wished to join the sponsors of draft resolution A/C.3/53/L.29/Rev.1, and hoped that it could be adopted by consensus.

Action on draft resolutions

Draft resolution A/C.3/53/L.60: Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

46. **The Chairman** invited the Committee to take action on draft resolution A/C.3/53/L.60. The draft resolution had no programme budget implications. Since its introduction, Australia, Denmark, Estonia, Germany, Greece, Iceland, Ireland, Liechtenstein, Norway, Pakistan, Slovakia and Sweden had joined its sponsors.

47. **Ms. Newell** (Secretary of the Committee) read out the oral revisions to the draft resolution made by the representative of the United States when the text had been introduced. At the end of the seventh preambular paragraph, the words "the former Yugoslavia", should be replaced by "the region"; in paragraph 25, the word "greater" should be replaced by "additional"; in paragraph 42, "the Federal Republic of Yugoslavia (Serbia and Montenegro)" should replace "the former Yugoslavia".

48. **The Chairman** said that a separate recorded vote had been requested on section III of the draft resolution.

49. **Mr. Sepelev** (Russian Federation) enquired if it was correct that the draft resolution had not only been amended orally by the United States but also through a written document circulated by the sponsors.

50. **The Chairman** said that the oral amendments were the only ones of which the Bureau was aware and requested clarification from the representative of the United States

51. **Mr. Winnick** (United States of America) requested that the meeting should be suspended.

52. *The meeting was suspended at 4.45 p.m. and resumed at 5 p.m.*

53. **Mr. Carle** (United States of America) said that New Zealand and the United Arab Emirates had joined the sponsors of the draft resolution. A number of written amendments had been made to the text. Paragraph 9 should read: "*Welcomes* the fact that 34 persons indicted by the International Tribunal have been brought to justice". The beginning of paragraph 30 should read: "*Calls upon* the Croatian authorities to prevent harassment, looting and

physical attacks against displaced Serbs and other minorities and to arrest speedily those committing or instigating such acts aimed at preventing the return of Croatian Serbs or others to their homes and, in particular, to address immediately any allegations of individual involvement by Croatian police or military members (whether on or off duty) through appropriate disciplinary proceedings". The rest of the paragraph remained unchanged. The following phrase should be inserted in the second line of paragraph 41 after "Kosovo": "while noting that the Federal Republic of Yugoslavia (Serbia and Montenegro) is allowing international verifiers into Kosovo". Finally, the phrase "the United Nations Human Rights Field Operation in the former Yugoslavia" should replace the end of paragraph 42 after the words "in the context of".

54. **Mr. Mukhopadhaya** (India) said that at the Committee's forty-ninth meeting, the representative of the United States had stated that the words "in the former Yugoslavia" in paragraph 42 should be replaced by "in the Federal Republic of Yugoslavia (Serbia and Montenegro)"; the Secretary of the Committee had confirmed that amendment by reading it out.

55. **Mr. Carle** (United States of America) said that that amendment had been made only out of desire to use the official name of the United Nations operation.

56. **Mr. Schalin** (Finland) requested an explanation of the fact that the first two lines of paragraph 30 of the draft, as circulated, differed from the oral amendment read out by the representative of the United States.

57. **Mr. Carle** (United States of America) confirmed that the correct wording of the amendment was the one which he had read out.

58. *A recorded vote was taken on section III of draft resolution A/C.3/53/L.60.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela and Zambia.

Against:

Belarus.

Abstaining:

Angola, Benin, Burkina Faso, Cameroon, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Ethiopia, India, Lao People's Democratic Republic, Mali, Namibia, Russian Federation, Sierra Leone and Zimbabwe.

59. *Section III of draft resolution A/C.3/53/L.60 was adopted by 127 votes to 1, with 17 abstentions.*

60. *A recorded vote was taken on draft resolution A/C.3/53/L.60 as a whole.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Canada, Cape Verde, Central African Republic, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Fiji, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania,

Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against:

None.

Abstaining:

Belarus, Benin, Burkina Faso, Cameroon, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Ethiopia, Ghana, Guinea, India, Lao People's Democratic Republic, Mali, Namibia, Russian Federation, Sierra Leone, United Republic of Tanzania, Zimbabwe.

61. *Draft resolution A/C.3/53/L.60 as a whole was adopted by 132 votes to none, with 20 abstentions.*

62. **Mr. Sepelev** (Russian Federation) said that he could not accept the names used to refer to certain parties in the draft resolution on the grounds both of balance and objectivity and of legal error. Furthermore, the remarks of the primary sponsors of the draft should not have been made within the framework of the Committee. In addition, the names used in the draft, such as the addition of "(Serbia and Montenegro)" after "the Federal Republic of Yugoslavia", were anachronistic.

63. The fact that the sponsors of the draft resolution had understood the position of the Russian Federation had allowed the latter to abstain from voting, and he hoped that that trend would continue and increase so that differences of opinion would not stand in the way of adoption by consensus.

64. **Ms.Šimonović** (Croatia) said that her delegation had participated actively in the preparation of the draft resolution but, for various reasons, had been unable to sponsor it. In the first place, her delegation found it difficult to accept the sixth preambular paragraph, which did not sufficiently distinguish between the situation of human rights in Bosnia and Herzegovina, in Croatia and in the Federal Republic of Yugoslavia (Serbia and Montenegro), although that distinction was extremely clear. While the situation of human rights in Croatia had been improving constantly since the end of the conflict and since the Croatian Government's establishment of control over the entire territory of Croatia, and while that situation had definitely improved in Bosnia and Herzegovina, it had worsened in the Federal Republic of Yugoslavia (Serbia and Montenegro), where numerous conflicts had broken out and there had been a renewed outbreak of human rights violations.

65. Furthermore, her delegation regretted that the draft did not better reflect the spirit of cooperation displayed by the Croatian Government and the fact that Croatia had become a party to many human rights instruments, including the Optional Protocol to the International Covenant on Civil and Political Rights and the extremely demanding European Convention on Human Rights, and had accepted the jurisdiction of the European Court of Human Rights. Lastly, while she welcomed the introductory statement made by the representative of the United States regarding the succession to the former Socialist Federal Republic of Yugoslavia, she regretted that the draft made no mention of that fundamental issue.

66. **Ms. Riederer** (Austria) said that she fully supported the resolution and noted that the name of the Federal Republic of Yugoslavia should not be followed by the words placed in parentheses.

Draft resolution A/C.3/53/L.59: Situation of human rights in Myanmar

67. **The Chairman** said that the draft resolution had no programme budget implications and that, at the time of its introduction, Estonia and the United States had become sponsors.

68. **Ms. Mårtensson** (Sweden) said that two other countries, Poland and the Republic of Korea, had become sponsors of the draft.

69. **Mr. Mra** (Myanmar) said that the resolution on the situation of human rights in Myanmar was negativistic and biased. It totally ignored the fact that the current Government had saved the country from political and economic chaos, laid the groundwork for the establishment of a disciplined democracy with a market-oriented economy which had allowed political parties to exist legally and laid down a systematic programme for transition to a new political system which would allow the people to participate actively in the life of the country. It also failed to reflect the fact that the National League for Democracy and its General Secretary, Ms. Aung San Suu Kyi, had frequently

endeavoured to hinder Myanmar's peaceful, systematic transition to democracy.

70. Immediately after the restrictions on her had been lifted, she had begun to threaten the Government with utter devastation unless it engaged in dialogue. She had led the League to withdraw unilaterally from the National Convention, had called on the international community to impose sanctions on Myanmar and had urged businesses not to invest in the country, clearly in order to aggravate the situation and pressure the Government. Unfortunately, the League encouraged by external support, had continued its systematic opposition to the Government. It had recently demanded that Parliament should be convened within 60 days, before 21 August 1998, threatening further steps if its demand was not met. With support from certain quarters, after establishing a 10-member committee to represent the Parliament elected in 1990, it had noted to revoke the laws, regulations and directives issued by the Government since 18 September 1998, which was tantamount to reducing the country to a lawless state. Were it not for the extreme caution and restraint demonstrated by the Government, the situation could have led to bloodshed. If the Government of Myanmar were as repressive as the resolution alleged, the League's leaders would have been thrown into jail and the party banned. However, despite those provocations, the Government had shown restraint and sought to meet with some members of the League. There again, the resolution was biased since it noted the establishment of the committee responsible for representing the Parliament elected in 1990 but made no mention of the Government's attempts at reconciliation or of the fact that it had not broken off relations with the League.

71. The draft resolution totally ignored the fact that the Government had been placed in a difficult economic situation. Since 1988, the multilateral financial institutions had suspended their aid to Myanmar and some Western countries had decided to impose economic sanctions against the country, very likely with the intention of sowing discontent and inciting the population to rise up against the Government. Contrary to the allegations of the National League for Democracy (NLD), the Government had dealt with the situation courageously and had spared no effort to pool all the resources available in the country and to meet the basic needs of the population.

72. On the question of the opening of a dialogue between the Government and the NLD, it should be noted that all the initiatives had been taken thus far by the Government. It should also be noted that if the meetings with the NLD had failed because of a lack of the mutual confidence that was a prerequisite for substantive discussions, it was because the NLD had squandered the opportunity. Thus, for example, at the meeting of 18 August 1998 between the Secretariat of the State Peace and Development Council (SPDC) and the Chairman of the NLD, the latter had taken highly confrontational steps by calling for the convening of the Parliament and establishing a 10-member committee to represent the Parliament. In the final analysis, it was the negative approach of the NLD and its policy of confrontation that undermined the peace and stability that prevailed in the country and were responsible for what the draft resolution perceived of as a lack of progress.

73. In conclusion, his delegation considered the draft resolution to be selective and partial. All of its allegations were baseless and Myanmar totally rejected its call for the full implementation of the recommendations made by the Special Rapporteur. It nevertheless thanked those delegations which had been understanding of Myanmar's situation and had made an effort to moderate the tone of the resolution. In deference to those efforts, it had decided not to request a recorded vote on the draft resolution.

74. **Mr. Touray** (Gambia) said that his country was not a co-sponsor of the draft resolution.

75. *Draft resolution A/C.3/53/L.59 was adopted without a vote.*

76. **Mr. Peters** (Netherlands) said that his delegation had joined the consensus on the resolution, but that it had not been in a position to co-sponsor the text which, in its view, did not adequately reflect the situation on the ground.

77. The delegation of the Netherlands would have preferred the use of stronger language to describe the current human rights situation in Myanmar, more along the lines of Commission on Human Rights resolution 1998/63. The draft resolution should have expressed concern at the deterioration of the human rights situation in the country and, in particular, at the detention of opposition activists and the numerous and persistent violations perpetrated by the armed forces. It should also have requested the Government of Myanmar not only to engage in a substantive dialogue with the General Secretary of the National League for Democracy and other political leaders, but, more specifically, to do so immediately and unconditionally. In addition, the draft resolution should have mentioned the refusal of the Government of Myanmar to allow a visit by the Special Rapporteur and should have contained an explicit reference to the fact that the Special Rapporteur should be able to meet with any person with whom he deemed it useful to speak. Lastly, his delegation would have liked to see separate paragraphs on the situation of women and children, since paragraph 13 of the resolution was too general.

78. **Mr. Winnick** (United States of America) pointed out that, even as the resolution was being prepared, the Government of Myanmar had been engaged in an intensive campaign of intimidation and forced detentions designed to weaken and isolate the National League for Democracy (NLD) and its General Secretary and to prevent the establishment of the Parliament that had been freely elected by the people of Myanmar in 1990.

79. Since September 1998, nearly 1,000 opposition figures from the National League for Democracy and other parties, including members of Parliament, had been arbitrarily detained by the Government and forced to renounce their party affiliation as a condition of their release. It was against that background that the 80-year-old Chairman of the Arakan National League for Democracy had been held in detention for months by the SPDC and Mr. Aung Min, one of the many NLD deputies detained by the SPDC, had died recently while in custody.

80. The Government's campaign against the opposition parties was now being carried to local areas, where NLD offices were being closed and its members intimidated into resigning from political life. Other opposition parties were also being pressured to distance themselves from the NLD and to withdraw their previous support for the committee to represent the people's Parliament which it had established. Contrary to its claims, the Government of Myanmar had therefore adopted a deliberate policy of depriving its citizens of the fundamental rights of freedom of association and freedom of opinion.

81. The United States of America called on the Government of Myanmar to cooperate with the Secretary-General, his representatives and the Special Rapporteur of the Commission on Human Rights and to live up to its obligations under the Charter, the international human rights instruments to which it was party and the current resolution. To that end, it would continue to work with the United Nations, the international community and all members of the opposition to the Government of Myanmar.

82. **Ms. McVey** (Canada) said that her delegation supported the resolution, but had been unable to join the list of co-sponsors because of the way in which it was worded. Canada welcomed the fact that the State Peace and Development Committee (SPDC) had received the Envoy of the Secretary-General and hoped that that step marked the beginning of cooperation between the Government of Myanmar and the United Nations. It remained deeply concerned, however, over the security of Ms. Aung San Suu Kyi, the lack of progress in the political dialogue between the SPDC and the NLD and the frequent and continuing human rights abuses. Canada remained committed to efforts to promote national reconciliation and political dialogue between the SPDC and the NLD.

83. **Mr. Kamitani** (Japan) expressed satisfaction at the adoption of the resolution. He acknowledged that there had been positive developments in the situation in Myanmar, but wished to emphasize the need for dialogue between the Government and the NLD. He sincerely hoped that the two parties would try to show tolerance and restraint so that the current situation could be improved. With regard to paragraph 14 of the resolution, he noted that the Government of Myanmar had agreed to implement the recommendations of the International Labour Organization Commission of Inquiry regarding the implementation of the Forced Labour Convention and had stated its readiness to make every effort to take the necessary measures in a timely manner. The Japanese delegation sincerely hoped that the Government would translate those intentions into concrete action and reiterated its hope that it would take further steps to improve the human rights situation in its territory, accelerate the process of democratization and continue the cooperation which it had begun with the United Nations. The Government of Japan was ready to assist it in attaining its objectives.

The meeting rose at 5.55 p.m.

United Nations A/C.3/53/SR.51

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Chairman: Mr. Hachani ..... (Tunisia)

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The meeting was called to order at 3.15, suspended immediately and resumed at 4.15.

Agenda item 110: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/53/L.37, L.57 and L.58)

Draft resolution A/C.3/53/L.37: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

1. **The Chairman** invited the Committee to take action on draft resolution A/C.3/53/L.37, which had no programme budget implications. He recalled that, when the draft had been introduced, Armenia, Colombia, Costa Rica, Croatia, France, Iceland, the Republic of Moldova, the Russian Federation and Uruguay had joined the list of sponsors.

2. **Ms. Mekhemar** (Egypt), speaking on behalf of her country and the countries listed in document A/53/679, which had been joined by Indonesia and Jordan, said that the adoption of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms constituted a great event that had long been awaited by the international community.

3. Although the text of the Declaration represented a compromise solution that had been negotiated for more than 13 years, she nevertheless wished to stress a number of points with a view to ensuring the full implementation of the Declaration.

4. The primary responsibility to promote and protect all human rights and fundamental freedoms lay with States, since only they could adopt legal, legislative and administrative guarantees to ensure that all persons under their jurisdiction were able to enjoy their rights and freedoms.

5. Since the exercise by individuals and groups of their rights and obligations in the field of human rights and fundamental freedoms derived from, *inter alia*, the Charter of the United Nations and the universally recognized international human rights instruments, the interpretation of the Declaration should be in conformity with the Charter and the principles enshrined therein, in particular respect for the sovereignty of States and their territorial integrity and non-interference in their internal affairs; the Universal Declaration of Human Rights, the International Covenants on human rights and other relevant international instruments; and the provisions of domestic law, which was the juridical framework for the implementation and enjoyment of human rights and fundamental freedoms and for all activities aimed at their promotion, protection and effective realization.

6. Any interpretation contrary to those provisions or aiming to create rights and obligations not in conformity with the Charter of the United Nations or universally recognized international human rights instruments, or not provided for by domestic laws, was unacceptable.

7. Lastly, it was essential, in interpreting the Declaration, to take into account the various cultural, religious, economic and social backgrounds of societies.

8. With that interpretation, the Declaration should contribute to a better enjoyment of human rights and fundamental freedoms by individuals and groups.

9. **The Chairman** announced that Turkmenistan had joined the sponsors of the draft resolution.

10. **Mr. Al-Hariri** (Syrian Arab Republic) said that, although his country associated itself with the statement made by the representative of Egypt, he wished to make some comments on the Declaration.

11. The text gave non-governmental organizations not only rights, but also responsibilities, including that of defending human rights and opposing any flagrant violations of those rights, on a non-selective and impartial basis. Such non-governmental organizations should be established and authorized by national law. Throughout the deliberations of the working group that had drafted the text of the Declaration, the Syrian Arab Republic had emphasized that obtaining resources was not a right and that the right in question was limited to the possibility of seeking resources.

12. The Declaration reaffirmed the concepts of national sovereignty, non-interference in the internal affairs of States and non-selectivity, and promised to improve understanding and dialogue among peoples and to promote human rights.

13. **Mr. Fernández Palacios** (Cuba), after noting that the Declaration's adoption in the year of the fiftieth anniversary of the Universal Declaration of Human Rights was an important event, said that he wished to reaffirm some of the points made in the joint interpretative statement contained in document A/53/679.

14. It was unfortunate that only the rights of individuals and groups, and not their responsibilities, were mentioned in the Declaration. In Cuba's view, rights could be exercised only in a social context, and therefore entailed

responsibilities to the community. The implementation of the Declaration must be consistent with, *inter alia*, the guiding principles of international instruments and the Charter of the United Nations. Domestic law was the juridical framework within which human rights and fundamental freedoms must be respected and promoted and within which the activities provided for in the Declaration must be carried out. Respect for diversity, for different types of political, social and economic systems, for regional and national characteristics and for cultural, religious and historical backgrounds was a prerequisite for the Declaration's implementation.

15. For decades, Cuba had had to deal with attempts by other countries to subvert its domestic order. Well-organized propaganda campaigns sought to discredit institutions which had been established democratically by the Cuban people. Recently, terrorist activities had been perpetrated against the country. Small groups based in Cuba benefited from financial resources that came directly or indirectly from federal funds of the United States, as shown by the budget law recently adopted by the United States Congress.

16. Attributing the status of human rights defenders to individuals who acted against their own people in the service of a foreign Power was unacceptable and would never be tolerated by Cuba. That country would oppose any attempt to invoke the Declaration for that purpose.

17. **Mr. Hamida** (Libyan Arab Jamahiriya)* said that he endorsed the statement made by the representative of Egypt concerning the draft resolution and that he wished to make some comments thereon.

18. The text of the Declaration was in no way incompatible with the principles enshrined in the Charter of the United Nations, particularly the principle of non-interference in the internal affairs of third States. That meant that no individual, governmental or non-governmental organization or State could invoke the Declaration or any other document as grounds for interfering in the internal affairs of another country. That was an unacceptable practice, and everyone must observe the principle of non-interference, particularly United Nations bodies. The Libyan Arab Jamahiriya rejected any provision or interpretation of any provision that contradicted the principles of the sovereignty and the sovereign equality of Member States.

19. The rights set forth in article 5 of the Declaration, such as the right to meet and assemble and the right to form non-governmental associations or groups, must be exercised in accordance with national legislation. With regard to the right to communicate with non-governmental organizations, his delegation believed that the organizations referred to were national organizations, not organizations based in other countries. They must, moreover, be legitimate organizations, membership of which did not contravene national legislation.

20. With respect to article 7, the Jamahiriya considered that the right to develop and discuss ideas and principles was first and foremost a collective, rather than an individual exercise. No individual had the right in any way whatsoever to develop principles and impose them on others, or even society as a whole. It was society which established new principles, and each individual had to respect them and adapt to them, even if he did not apply them.

21. With regard to article 9, his delegation believed that every person and organization had the right to benefit from the internal remedies provided for by national legislation. As to the right of recourse to international bodies, it was vital that those bodies should be established pursuant to conventions or agreements which provided expressly for that right and that the country concerned should be a party to those instruments. No State could be obliged to apply an agreement to which it was not a party or provisions which were not set forth in any agreement. That was an established principle of international law and one from which there could be no departure. It was in the light of those considerations that his delegation interpreted article 9.

22. Article 13 was unacceptable. Individuals and organizations should not be entitled to receive resources from abroad, no matter what the source or the justification. That practice would turn individuals and organizations into agents in the pay of States, organizations or individuals seeking to interfere in the internal affairs of third countries. One could not allow just anyone to intervene in the internal affairs of another country simply because he had the resources, no matter what arguments were invoked. That practice would encourage corruption and interference in the political affairs of third countries, as demonstrated by a great number of events which had taken place in certain countries.

23. The provisions of the Declaration must not be interpreted in a manner incompatible with the historical, religious and cultural specificities of particular societies. What was acceptable in one society might not necessarily be so in others and should not be imposed on them.

24. His delegation, having drawn attention to those points, would make no objection to the adoption of the draft resolution.

* This statement has been given full coverage in the summary record in accordance with the decision taken by the Committee during the meeting.

25. **Mr. Al-Sudairy** (Saudi Arabia) said that, while his country did not wish to undermine the consensus on the responsibility of individuals and groups, the promotion and protection of human rights and fundamental freedoms and the humane purpose of the Declaration, it had reservations regarding all provisions which might run counter to Shariah, which was Saudi Arabia's law.

26. *Draft resolution A/C.3/53/L.37 was adopted.*

Draft resolution A/C.3/53/L.57: Enhancement of international cooperation in the field of human rights

27. **The Chairman** said that the draft resolution had no programme budget implications.

28. **Mr. Mofokeng** (South Africa) proposed the following oral revisions to the draft resolution: in the fifth preambular paragraph, the words "with appreciation" following "*taking note*" should be deleted; and paragraph 1 should be deleted, the remaining paragraphs being renumbered accordingly.

29. *Draft resolution A/C.3/53/L.57, as orally revised, was adopted.*

Draft resolution A/C.3/53/L.58: Right to development

30. **The Chairman** invited the Committee to take action on draft resolution A/C.3/53/L.58, which had no programme budget implications.

31. **Mr. Mofokeng** (South Africa), supported by **Mr. Azlan** (Malaysia), requested that action on the draft resolution, which was still the subject of intensive informal consultations, should be deferred.

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/53/L.28, L.29/Rev.1, L.47 and L.63)

Draft resolutions A/C.3/53/L.28 and L.29/Rev.1: Situation of human rights in Rwanda

32. **The Chairman** said he understood that draft resolutions A/C.3/53/L.28 and L.29/Rev.1 had been the subject of intensive negotiations, the delegations having reached a consensus on draft resolution A/C.3/53/L.29/Rev.1 conditional upon the amendment of two paragraphs. If all the delegations agreed, draft resolution A/C.3/53/L.29/Rev.1, as amended, would be submitted as a Chairman's text.

33. **Ms. Newell** (Secretary of the Committee) read out the amendments. Paragraph 3, as amended, should read as follows: "3. *Expresses deep concern* at the continued serious violations of human rights and international humanitarian law in the country, in particular associated with the conflict in the north-west, and also including in regard to conditions of detention and trial process of those accused of genocide and crimes against humanity". Paragraphs 16 and 17 should be deleted and replaced with a new paragraph 16 with the following wording: "16. *Expresses* its appreciation to Governments, the United Nations High Commissioner for Human Rights and non-governmental organizations, which have supported the Government of Rwanda in the area of human rights, and encourages further efforts between the Government of Rwanda and other Governments, the Office of the United Nations High Commissioner for Human Rights and non-governmental organizations in the area of human rights within mutually agreed frameworks of cooperation, taking into account, *inter alia*, the five-point plan of the Government of Rwanda, which includes the following priority areas, as outlined in the Special Representative's report (para. 18): (a) training national human rights monitors; (b) initiating human rights education programmes in formal and informal education; (c) providing the National Human Rights Commission with the necessary financial and technical assistance; (d) initiating a human rights public-awareness campaign using media resources; and (e) establishing a national centre for human rights as an information clearing-house and training centre;". The remaining paragraphs must be renumbered accordingly.

34. **The Chairman** said that the officers of the Committee wished to submit the draft resolution, as amended, as a Chairman's text.

35. *Draft resolution A/C.3/53/L.29/Rev.1, as amended, was adopted.*

36. **Mr. Hynes** (Canada) said that he hoped that the draft resolution would make it possible for the High Commissioner for Human Rights and the Government of Rwanda to resume cooperation under the jointly-negotiated plan mentioned in paragraph 16.

37. **Mr. Kayinamura** (Rwanda) said that he would withdraw draft resolution A/C.3/53/L.28.

38. **Mr. Theuermann** (Austria), speaking on behalf of the European Union, said that the European Union, which was a sponsor of draft resolution A/C.3/53/L.29, had participated in intensive consultations, particularly with the Rwandan delegation, so that a single draft resolution on the situation of human rights in Rwanda could be submitted. He therefore welcomed the consensus which had made it possible to arrive at resolution A/C.3/53/L.29/Rev.1.

39. In a spirit of compromise, the European Union had agreed to a number of major changes proposed by the Rwandan delegation. Those changes had considerably limited the scope of the draft, which no longer fully

conveyed the concerns of the European Union. For example, paragraph 3 of the draft, which mentioned the continued serious violations of human rights and international humanitarian law in the country, should have stated the name of the country where those violations were taking place. The Human Rights Field Operation in Rwanda, which was one aspect of the international community's response to the genocide and civil war, had been politically and financially supported by the European Union, which regretted that despite the efforts of the High Commissioner for Human Rights, it had been impossible for an agreement to be concluded between the Government of Rwanda and the High Commissioner for a renewal of the Operation's mandate. Any further funding from the European Union would be contingent on the conclusion of a new agreement between the High Commissioner and the Government of Rwanda. Furthermore, the European Union had reluctantly agreed to the new wording of paragraph 17 of the draft. While recognizing the importance of the five-point plan, it considered that that was not the only possible framework for cooperation and that any cooperation framework should be determined through mutual agreement by the parties concerned. Lastly, the European Union considered that an independent, functional Commission on Human Rights could play an important role in the promotion and protection of human rights in Rwanda.

Draft resolution A/C.3/53/L.47: Situation of human rights in the Democratic Republic of the Congo

40. **The Chairman** said that the draft resolution had no programme budget implications and that, at the time of its introduction, Portugal had become a sponsor and the Republic of the Congo had withdrawn from the list of sponsors.

41. **Mr. Theuermann** (Austria), speaking on behalf of the European Union, said that the draft resolution, which had been the subject of consultations with the delegation of the Democratic Republic of the Congo, was future-oriented and made a practical contribution to the search for a solution to the crisis. Its adoption by consensus would be the best way of improving the situation of human rights in the Democratic Republic of the Congo and would serve as a sign of the firm commitment of the Government of that country and the international community to finding solutions.

42. While considerable progress had been achieved and various amendments made during the negotiations, some issues remained problematic. The delegation of the Democratic Republic of the Congo, like the European Union and the other sponsors, was prepared to continue negotiations which might make it possible for the draft resolution to be adopted without a vote. The European Union therefore considered it preferable not to take a decision on the text at present.

Draft resolution A/C.3/53/L.63: The question of human rights in Afghanistan

43. **The Chairman** said that the draft resolution had no programme budget implications and that he had submitted it on the basis of informal consultations.

44. **Mr. Busacca** (Italy) said that the word "new" should be deleted from paragraph 3 of the draft.

45. **Mr. Bhatti** (Pakistan) said that his delegation considered that the situation of human rights in Afghanistan, which was a source of concern to the international community, would improve with the return of peace. The United Nations and the Organization of the Islamic Conference were playing a key role in the efforts to bring lasting peace to the country. If that goal was to be achieved, there must also be an end to outside interference and provocation along the country's borders. In order to strengthen its role of impartial mediator, the United Nations should follow the Organization of the Islamic Conference in adopting the vacant seat formula.

46. The results of the visit by the United Nations Secretary-General's Special Representative for Afghanistan were encouraging. The Kabul authorities had agreed to the establishment of a fact-finding mission responsible for shedding light on the massacre of Iranians at Mazar-I-Sharif a crime for which they had disclaimed responsibility. The presence of United Nations bodies would make it possible to prevent a repetition of such incidents.

47. He noted that in paragraph 1 of the draft resolution, the General Assembly took note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan (A/53/539), despite the fact that the Special Rapporteur had been unable to travel to Afghanistan and Pakistan, as stated in paragraph 3 of that report, which was based solely on allegations and counter-allegations. The Special Rapporteur had nonetheless felt able to draw conclusions and to convey his indignation. The delegation of Pakistan could not associate itself with a report which had no basis in fact and, for that reason, it also declined to support the draft resolution.

48. *Draft resolution A/C.3/53/L.63 was adopted.*

49. **Mr. Ghalib** (Afghanistan) said that his delegation objected to the attitude of the delegation of Pakistan, which was speaking on behalf of the Taliban.

50. His delegation considered the Special Rapporteur to be a highly credible source and to have accurately described the situation of human rights in Afghanistan. Furthermore, at the time when the Special Rapporteur was to have visited Afghanistan, the security situation in the territories under Taliban control had been extremely volatile. For example, a military adviser to the Head of the United Nations Special Mission to Afghanistan had been callously slain by two Taliban mercenaries. Therefore, the Taliban could not provide the guarantees which would have allowed the Special Rapporteur to visit the country under adequate security conditions. Lastly, in addition to the report of the Special Rapporteur, numerous other reports from bodies such as Human Rights Watch, eyewitnesses and the international press had revealed that the Taliban had massacred over 8,000 civilians in the north of the country. All of those facts corroborated the content of the Special Rapporteur's report, which showed that the Taliban were responsible for a campaign of crimes against humanity in the north of Afghanistan.

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/C.3/53/L.65)

Draft resolution A/C.3/53/L.65: Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

51. **The Chairman** said that the draft resolution had no programme budget implications and that he had submitted it on the basis of informal consultations.

52. *Draft resolution A/C.3/53/L.65 was adopted.*

(e) Report of the United Nations High Commissioner for Human Rights (*continued*)

Draft resolution A/C.3/53/L.45: Question of resources for the Office of the United Nations High Commissioner for Human Rights and the human rights activities of the United Nations

53. **The Chairman**, recalling that Bahamas, Beigium, Benin, Burundi, Cameroon, Croatia, Cyprus, Denmark, Fiji, France, Germany, Greece, Guinea-Bissau, Iceland, Italy, Liechtenstein, Luxembourg, Madagascar, Malawi, the Netherlands, Portugal, Romania, Saint Lucia, Senegal, Slovenia, Swaziland, Sweden, Trinidad and Tobago, Ukraine and the United Kingdom had become sponsors of the draft resolution at the time of its introduction, announced that Azerbaijan, Belize, Bolivia, Bulgaria, Mongolia, Morocco, Poland, the Republic of Moldova, Tunisia, Turkmenistan, Uganda, Venezuela and Zambia had also become sponsors.

54. **Ms. Newell** (Secretary of the Committee) read out a statement on the programme budget implications of the draft resolution. The attention of the Committee was drawn to the provisions of General Assembly resolution 45/248, Part B, Section VI, in which the Assembly had reaffirmed that the Fifth Committee was the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters; reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions; expressed its concern at the tendency of its substantive Committees and other intergovernmental bodies to involve themselves in administrative and budgetary matters; and invited the Secretary-General to provide all intergovernmental bodies with the required information regarding procedures for administrative and budgetary matters. Further, the question of allocating resources in the programme budget for the biennium 2000–2001 needed to be seen in the context of the proposed programme budget outline, contained in document A/53/220. The Fifth Committee would shortly adopt recommendations in that regard bearing in mind the priorities already adopted by the General Assembly.

55. **The Chairman** recalled the letter that the Chairman of the Fifth Committee had addressed to the President of the General Assembly on the same matter.

56. **Mr. Mofokeng** (South Africa) said that some revisions had been made to the text of the draft resolution. At the end of paragraph 1, after the words "for the biennium 2000–2001", the phrase "without diverting resources from the United Nations development programmes and activities" should be added. Paragraph 2 should be deleted and the remaining paragraph should be renumbered accordingly. Argentina, the Russian Federation and the United States of America had become sponsors of the draft resolution.

57. **Mr. Bhatti** (Pakistan) asked whether, from a technical standpoint, statements on programme budget implications imposed restrictions on the Main Committees and meant that the Committees could not take action on the draft resolutions in question. He wondered what the status of such resolutions would be if the Committees adopted them by consensus.

58. **The Chairman**, responding to the representative of Pakistan, said that the purpose of such statements was to remind the Committees of the procedures established by the General Assembly. With respect to the case under consideration, the reminder had been effective since the South African delegation had revised the text of the draft resolution in order to address the concerns of the Fifth Committee.

59. **Ms. Mesdoua** (Algeria), said that her country was fully committed to the promotion and protection of human rights and therefore to increasing the resources available to the United Nations High Commissioner for Human Rights. However, the draft resolution should have been submitted in accordance with established United Nations procedures, in particular rule 153 of the rules of procedure of the General Assembly and General Assembly resolution 45/248, Part B Section VI, according to which the Fifth Committee was the body with jurisdiction over budgetary matters. Moreover, the draft resolution was a duplication of decision 1998/83 of the Commission on Human Rights and paragraph 11 of the agreed conclusions adopted by the Economic and Social Council (1998/1). Her delegation was not at all opposed to allocating additional resources to the High Commissioner provided that it was not done at the expense of development programmes and activities.

60. *Draft resolution A/C.3/53/L.45, as orally revised, was adopted.*

61. **Mr. Ball** (New Zealand), supported by **Mr. Hynes** (Canada) and **Mr. Huser** (United States of America), said that, in the case in question, as the letter from the President of the General Assembly dated 18 November 1998 clearly showed, there was no conflict of jurisdiction between the Third Committee and the Fifth Committee. The delegations sitting on the Third Committee had the sovereign right to draw the Secretary-General's attention to the need to make provision for additional resources to finance new or ongoing activities in their field of competence. With respect to the case under consideration, they therefore had every right to request the Secretary-General to recommend that the General Assembly should take into account resource requirements relating to the implementation of resolution 1998/83 of the Commission on Human Rights of 24 April 1998 and decision 1998/275 of the Economic and Social Council of 30 July 1998, in the context of the consideration of the proposed programme budget for the biennium 2000–2001. Thus, although under rule 153 of the rules of procedure of the General Assembly no resolution involving expenditure could be adopted by a Committee unless it was accompanied by an estimate of expenditures prepared by the Secretary-General and had been considered by the Fifth Committee, it did not state that the Main Committees of the General Assembly could not adopt resolutions drawing the Secretary-General's attention to resource requirements in their areas of competence. Moreover, while the Fifth Committee was the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters, it did not have the jurisdiction to take action on the merits of draft resolution A/C.3/53/L.45, which concerned human rights, an issue which fell within the Third Committee's purview.

62. **Mr. Goledzinowski** (Australia) endorsed that statement. Draft resolution A/C.3/53/L.45 had much in common with similar draft resolutions adopted by the Committee at the current session, such as draft resolution A/C.3/53/L.24 concerning the Third Decade to Combat Racism and Racial Discrimination. Moreover, he urged the delegations that had joined the consensus on the draft resolution to continue to support it in other bodies, especially in the Fifth Committee.

63. **Mr. Ndiaye** (Senegal) said that he fully endorsed those statements especially since the right to development was one of the rights which the United Nations High Commissioner for Human Rights had a duty to promote by encouraging the development of technical cooperation and providing assistance to developing countries in the field of human rights. To the extent that all countries had requested that additional or adequate resources should be made available to the Office of the High Commissioner for that purpose — which was the reason why his delegation was among the sponsors — the Third Committee could not be accused of overstepping its mandate by adopting the draft resolution.

64. **Mr. Fernández Palacios** (Cuba) said that he rejected the case made with respect to a conflict of jurisdiction between the Third and Fifth Committees in respect of draft resolution A/C.3/53/L.45. He agreed with the Algerian representative that the rules of procedure of the General Assembly and the Financial Regulations and Rules of the United Nations should be strictly observed, notwithstanding the claim that the draft resolution on the Third Decade to Combat Racism and Racial Discrimination followed the same procedure. In his delegation's view, draft resolution A/C.3/53/L.45 related to a purely administrative and budgetary issue.

The meeting rose at 5.35 p.m.